HOUSE OF REPRESENTATIVES—*Tuesday, May 10, 1994*

The House met at 10:30 a.m.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of Friday, February 11, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

A BETTER WAY FOR HAITI

Mr. GOSS. Mr. Speaker, last week at this time, I spoke about the crisis in Haiti and the lack of focus of America's policy. Although the President has finally addressed Haiti, his new policy is poorly thought out, hopelessly inconsistent and very short-sighted. It lacks a long-term strategy for resolving the opposing extremist positions in Haiti, but worse, it contains an explosive combination of tighter sanctions and looser asylum procedures likely to spark a new burst of Haitian refugees headed for Florida. It's simple logic: A tougher embargo equals more economic hardship among Haiti's most desperate poor. More economic hardship equals more refugees. The President said he "hopes" we won't see a flood of refugees—but history suggests that hope is unfounded. The President's own advisers reaffirm that most people leaving Haiti are economic refugees—not political asylum seekers fleeing for their lives. A New York Times story this week emphasizes a "deeply held view in the administration that most of those seeking political asylum are economic migrants posing as victims of persecution" Officials at the U.S. Embassy in Haiti conclude that "The Haitian left, including President Aristide and his supporters in Washington and here, consistently manipulate or even fabricate human rights abuses as a propaganda tool." The President's Deputy National Security Adviser, Sandy Berger, said "Only about 5 percent of those people who have come into the processing centers are, in fact, political refugees." When Haitian refugees have landed in third countries, presumably safe from political persecution, most have sought to return to Haiti. Of course, there is no denying the brutality of the thugs now in control in Haiti—we know there has been repression and political persecution. But tighter sanctions will not resolve this crisis; rather, as the President himself has said, they will, "Cause more hardships for innocent Haitians." The President said the Haitian military will "bear full responsibility for this action," but I am not sure they agree or care. My fear is that, even after tougher sanctions take hold, we will have further demoralized the Haitian people, the thugs will still be in power—and we will have done nothing to help Haitians rebuild their democracy. What we will have done is encouraged more Haitians to overload leaky boats in shark-infested waters. Despite the Clinton administration's claim that economic refugees will be more quickly processed and then repatriated, in the past several weeks approximately 500 Haitians arrived in Florida and were released into our country as a humanitarian exception—including 13 who tested positive for HIV. These actions speak louder than the President's words. Florida's Democrat Governor, Lawton Chiles, recognizes the potential problem—he expects 5,000 to 10,000 refugees a month as a result of this new policy. In his words, "This decision will result in additional burdens on State and local governments in Florida * * * Florida alone cannot shoulder the tremendous burdens that result from Federal immigration policy." Governor Chiles has filed a lawsuit against the Federal Government, seeking to recoup hundreds of millions of dollars the State has spent on illegals in Florida. Mr. Speaker, there is a better way for Haiti that solves the refugee problem, solves the Aristide problem and begins to solve the long-term democracy problem—we can establish a safe haven on the Ile De La Gonave, a small island about 15 miles off the coast of Haiti. The United States could expand its processing of asylum seekers on this Haitian island, safe from the fear of violence. President Aristide—the popularly elected and rightful President of Haiti—could go there and begin to rebuild his government in Haiti. This plan obviates the need for an elaborate and ineffective plan to screen refugees aboard U.S. ships and it would remove the powerful Miami magnet. Florida is anything but a closed door—thousands of refugees from all over this hemisphere have made their home there under orderly immigration processing and are productive, hard-working members of our society. But Florida cannot throw her doors wide open to all refugees from any nation who seek a better life in the United States—that kind of disorder stretches our resources beyond their limits. I urge the administration to review my plan. It can work today to meet the long-term interests of Haiti and the United States.

INTRODUCTION OF THE RURAL HEALTH PROFESSIONAL SHORTAGE ACT AND THE RURAL HOSPITAL SURVIVAL ACT

The SPEAKER pro tempore (Mr. CHAPMAN). Under the Speaker's announced policy of February 11, 1994, the gentleman from Pennsylvania [Mr. CLINGER] is recognized during morning business for 5 minutes.

Mr. CLINGER. Mr. Speaker, most of us agree that a one-size-fits-all health care reform plan that fails to recognize the difference between small, rural communities and large, urban areas will serve no one particularly well, whether you are from New York or Punxsutawney, PA.

When Congress does finally vote on health care reform legislation, we must adopt a plan that provides flexibility for States and localities to meet their own special, regional health care needs. In particular, Congress must not forget that 27 percent of Americans live in rural areas which have distinct health policy problems to resolve.

Aside from the obvious geographic barriers to medical care—such as rough terrain, bad weather conditions, and long distances between medical facilities—rural communities must overcome certain demographic characteristics that make health care delivery a unique challenge.

Rural populations tend to be older and poorer, so there are higher concentrations of Medicare, Medicaid, and uninsured patients. As a result, rural hospitals and providers rely primarily on Federal funds in the form of Medicare reimbursement for survival.

As it is, rural hospitals must contend with low occupancy rates and operate on shoestring budgets, so the past decade of cuts and freezes in Medicare reimbursement have put many rural hospitals in dangerous financial situations. Cutting the primary source of revenue for rural hospitals has forced many to close their doors altogether.

In addition to the financial problems of their local hospitals, many rural areas suffer from an acute shortage of health care professionals. Primary care doctors, physicians assistants, nurses, allied health professionals and other

medical personnel are in short supply, and most rural communities have a difficult time luring professionals from training sites in urban and suburban areas where they can make more money.

The maldistribution of health care professionals and the insolvency of our rural hospitals pose serious threats to the availability of medical care for rural Americans, regardless of whether they can afford it or not. Before we even try to control costs and increase access for the uninsured, we must first revitalize the health care infrastructure in our medically underserved rural areas. Our efforts to reform the health care system will be pointless if rural citizens do not have a doctor to consult or a hospital to visit.

That is why—with the help of my Health Care Advisory Committee, doctors, nurses and other constituents concerned about health care—I have drafted two bills to help solve the real health care problems confronting rural America.

The first bill I am introducing today is the Rural Health Professional Shortage Act to improve the supply and distribution of medical professionals in rural areas.

The quality of rural health care is suffering because many young doctors, nurses, and other medical professionals elect not to practice in rural areas due to existing disincentives and drawbacks to practicing there. While some decisions can be attributed to lifestyle preferences, there are a number of other factors that influence where they choose to live and work.

For instance, many young professionals are discouraged from practicing in rural areas because of lower earnings potential and lower Medicare reimbursements for rural providers.

Because rural professionals are often isolated from colleagues, they cannot rely on them for consultation and second opinions. They must work long hours, many of which are "on call", often with little professional support.

Most health care practitioners prefer working with the latest, state-of-the-art technology which many rural hospitals cannot afford.

Also, medical professionals tend to practice in areas close to where they were trained, and most academic medical institutions and teaching hospitals are located in urban or suburban locales.

The Rural Health Professional Shortage Act eliminates many of these financial and professional disincentives. It provides urban and rural physicians "equal Medicare reimbursements for equal work" by eliminating the urban-rural payment differential, and it financially rewards those rural providers who have higher caseloads of Medicare, Medicaid and uninsured patients.

My bill also encourages rural communities to "grow" their own health care professionals and targets scarce resources to individuals with rural backgrounds since they are most likely to return to and stay in rural areas.

Finally, the bill provides rural communities and their local hospitals the resources and technical assistance necessary to attract and retain medical professionals in their areas.

My second bill, the Rural Hospital Survival Act, recognizes the pivotal role hospitals play in the rural health care delivery system as the primary sources of medical care in rural areas and integral parts of local economies, and it will help to keep many of our struggling "critical access" hospitals open.

According to the American Hospital Association, 389 rural hospitals closed between 1980 and 1992. For those of us living in rural areas, closure of a local hospital can significantly reduce our access to decent health care and cost the local economy valuable, high-skilled, high-wage jobs.

With fewer beds, fewer admissions, lower occupancy rates, and higher per-patient, per-day expenses than metropolitan hospitals, many small, rural hospitals struggle to keep their doors open. The Office of Technology Assessment estimates that nearly one-third of all rural hospitals are operating in the red.

As I already mentioned, rural hospitals rely primarily on Medicare and Medicaid payments, and cuts in reimbursement rates have significantly increased the volume of uncompensated care provided by rural hospitals, requiring them to provide more care with fewer dollars.

In addition to reimbursements that don't keep pace with health care costs, rural hospitals must contend with an unfair Medicare payment system that reimburses them less than urban hospitals.

The heart of the Rural Hospital Survival Act makes important adjustments to the Medicare payment system, including a complete elimination of payment differentials between urban and rural hospitals.

The bill establishes a new telemedicine grant program to promote the development of advanced data, video, and voice networks among hospitals and providers in rural regions. It also renews two grant programs which have successfully helped hospitals and communities throughout the country improve health care delivery for rural residents.

Antitrust exemptions would be provided to encourage cooperation and joint ventures among rural hospitals. Facilities would be able to share equipment, services, and health care personnel without fear of being sued.

And, finally, my bill would establish a commission to study the effects of State and Federal regulations, mandates, and paperwork on small, rural hospitals and the quality of care they provide.

Rural Americans have a great deal at stake in the health care debate. Not only will health care reform affect the cost, quality, and accessibility of their medical care, it will also impact the economic futures of their communities.

While working hard to promote job creation and economic development in my largely rural district over the years, I've learned that the economic vitality of a rural community is closely tied to the quality and availability of medical care in the area. Local economic booms and busts closely correspond with the financial standing of the local hospital, and the strength of a rural hospital can often serve as an accurate barometer of the state of the local economy.

As a local economy declines and unemployment rises, the increasing burden of uncompensated care the local hospital provides fiscally strains the facility and affects the quality of care it provides. Often small, rural hospitals cannot endure prolonged local recessions, and when a hospital is forced to close, it can devastate an already struggling local economy.

One reason is that hospitals are usually one of the largest employers in rural communities. When a rural hospital closes, the local area can lose dozens, sometimes hundreds of well paying jobs.

Also, communities who have lost a hospital may have a difficult time attracting businesses and residents to their areas. Many companies are reluctant to relocate to a region that does not have a hospital or decent health care.

For a rural community to have a decent shot at attracting industry and creating jobs, its local hospital must be in sound financial condition and its health care delivery system capable of providing quality medical care. By strengthening the ailing health care delivery systems in our small, rural communities, my two bills will not only improve the health of our rural residents, but also the health of our rural economies.

Mr. Speaker, I urge my colleagues to recognize and address the unique health care problems affecting rural America by joining me as a cosponsor of these two vital bills.

□ 1040

GUN CONTROL

The SPEAKER pro tempore (Mr. CHAPMAN). Under the Speaker's announced policy of February 11, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Chairman, this is the House of Representatives, so I want to talk a little bit

about a meeting I have had with some of the people I represent yesterday. This is a meeting in Rock Springs, WY. We talked about gun control.

Let me tell the Members a little bit about the folks who came. These are middle American folks. This was a meeting that took place at 8:30 in the morning, and many of these folks had come in from a shift at the coal mine, had come in from mining the trona patch in Rock Springs, WY. These are folks who work every day, support their families. It included people who are retired from the Game and Fish Commission, people who have an interest in gun control but interestingly enough, the topic got much broader than gun control. It had to do with personal choices, it had to do with personal freedom, it had to do with States rights.

It is interesting that the proponents of the gun control bill last week talked a great deal about special interests. Let me tell the Members, if this is a special interest, then everything we talk about representing people in our districts are special interests.

They had a special interest. They had a special interest in having personal freedom, they had a special interest in having States rights, they had a special interest in deciding the things that they want to do for themselves.

The theme of the meeting and the purpose of the meeting was gun control. Let me tell the Members that it expanded far beyond that. I am pleased that it did, because there is more to the issue than gun control specifically.

They talked about the impact on the second amendment of the Constitution. They talked about the impact or lack of impact on crime. They talked about the uncertainty of which weapons are covered under this bill. They talked about States rights and how much intrusion we have in the operations of our States from the Federal Government. They talked about personal rights and the infringement there.

Let me mention a couple of those. The Constitution, people feel strongly about the second amendment to the Constitution, about all of the Constitution, about the fact that the Constitution was designed to give only those powers to the Federal Government that are specifically given; that the other powers are vested in the people. It is pretty simple, but very important.

They talked about the fact that we ought to have some recourse to talk about whether or not the Constitution has been infringed. They talked about constitutional amendments. They talked about legal recourse and legal remedies, to say, "Look, this is impeding and impinging upon our constitutional rights."

They talked, too, about the fact that this is feel-good talk, that this kind of arms control, this kind of gun control, will not have any impact at all on crime. Several officers were there. Interestingly, enough, they said, "You know, there are many reasons for people to have guns. Hunting is only one of them. As officers, we react to things that have already happened. People need an opportunity to defend themselves. That is what initially happens."

They talked, too, about the uncertainty of the bill in terms of the weapons that were covered. One of the gentlemen there fires competitively at the Camp Perry competitive shooting event each year. One of the weapons that he has used is barred under this bill, that is used in the Camp Perry Army-sponsored shooting competition. I thought that was interesting.

We also talked about the response from the Tobacco and Firearms department, which said that there literally could be hundreds of weapons that fall in the same characteristic. These folks are very much concerned about that.

They were concerned about States rights. I think one of the most obvious ones you might notice would be, people from New York have particular problems. People in Rock Springs, WY, have a different set of problems.

The idea that we have a "one fits all" kind of a Federal law that covers everything in the whole country, regardless of their circumstances, is beginning to be so repetitive, appears so often. People are very, very offended by this idea, whether it be unfunded mandates, whether it be gun control, whether it be health care, whether it be speed limits imposed by the Federal Government.

There ought to be some States rights, more acknowledgment of the differences we have in this country. They talked a lot about that.

Finally, they talked maybe about the most important aspects of what we are doing is having too much Federal Government in your face, too much Federal Government telling us as individuals, with our rights as individuals and with the responsibilities that go with rights, the freedom to choose their own behavior, the freedom to be responsible for themselves.

I was impressed. I was impressed by, No. 1, the fact that twice as many people came to this meeting as I had imagined would come. I was impressed by the fact that even though they were there specifically on gun control, they talked about the ramifications that are much broader: personal rights, States rights, the ineffectiveness of it.

These were thoughtful people. This is the House of Representatives. It is our task here to represent our people. I am pleased to represent this group, not a special interest, but a personal interest, an interest in something that affects their lives, an interest in something that they think affects the future of this country in terms of Federal intervention into their rights.

Mr. Speaker, I think it is important for citizens of this country to deal with these issues on a local level, to talk about these issues, to read about these issues, to express their concern about issues. The strength of this country is individual participation. This is a government of the people and this is how you do it. This is how you do it.

Mr. Speaker, I was pleased and impressed, and of course, I agree, I agree that the essence of personal freedom is to have people to have choices and to have the responsibility to stand by those choices.

A DIVERGENCE OF VALUES

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, the gentleman from Texas [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, a few days ago Newsweek published an article the likes of which I have never seen before concerning a current President. Titled "The Politics of Promiscuity," it examines the basic question of President Clinton's character. Despite the title, it is not a sleazy story. It is not a partisan story. What it is, is a lamentable story, and regrettably, in the case of this White House, an unending one.

The article's author, Joe Klein, writes that:

> Paula Jones' story will join the rising landfill of allegations of personal misbehavior that Bill Clinton has had to deny, deflect, defend, derail. It has heft only because there have been so many others, and because it reinforces a widely held suspicion about the precise nature of the president's problem.

Klein continues, "It seems increasingly, and sadly, apparent that the character flaw Bill Clinton's enemies have fixed upon—promiscuity—is a defining characteristic of his public life as well."

The Newsweek author is not talking about promiscuity's most common meaning, but its fullest meaning—casual or irregular behavior. Whether at home or abroad, this kind of careless, cavalier conduct has been the trademark of this administration.

As Klein observes, the result is—

> With the Clintons, the story always is subject to further revision. The misstatements are always incremental. The "misunderstanding" are always innocent—casual, irregular: promiscuous. Trust is squandered in dribs and drabs.

The President has gone so long down this road that he has come to the point where he must hire superlawyer Bob Bennett to address the mess. When you hire a superlawyer, you have superproblems. Bennett will be trying to salvage the President's reputation. He will have his work cut out for him.

Never before in my memory has an administration been so lacking in its understanding of the basic values that the rest of America holds dear.

President Clinton's financial dealings are a case in point. Recently, Presi-

dents have put their assets in the hands of others while in office. Today we find that we have gone from Presidents who put their faith in blind trusts, to a President who puts his faith in trust being blind.

The President has insisted that he lost money on his financial transactions and he believes that should be the end of the discussion. I am sure every accused criminal ever caught would love to equate failure with innocence. However, the fact that the President's defense has been that his transactions were unsuccessful only indicates he does not understand the question of impropriety.

The question is not whether money was made, but why was he involved in the first place? And the answer is that he had no business doing business with people whose business it was his business to regulate.

If this fault were the only lapse—or if the administration's faults were only lapses—then there would not be such a cause for concern. But as the administration's faults continue to mount and continue to erode America's foundations, it becomes daily more obvious that they are not lapses. They are not strayings from a shared path of principles, but a new route of questionable rights and values altogether.

With each passing incident, the American people discover a divergence of values with this administration—that the White House's way is is not their way, or the way they were led to believe the administration would follow.

The Newsweek article observes President Clinton tells his closest advisers that "character is a journey, not a destination." Klein writes:

This evolutionary notion of character is something of a finesse: it can drift from explaining lapses to excusing them. There is an adolescent, unformed, half-baked quality to it—as there is to the notion of promiscuity itself: an inability to settle, to stand, to commit. It will not suffice in a president.

Klein concludes:

Life is a journey; but character, most assuredly, is not. It is a destination most adults reach, for good or ill. And it is both tragic and quite dangerous that we find ourselves asking if Bill Clinton will ever get there.

The fact is this administration drifts aimlessly, hoisting the sail of "promise" and the jib of "change" to catch whatever breeze is blowing, regardless of where it might lead, at the same time sailing farther and farther from the course set by the American people.

When the crew spends more time bailing than rowing, the boat is in trouble. When the administration spends more time explaining than governing, the Nation is in trouble. To the clear question of character, the Clinton administration doesn't appear to have an answer, only explanations.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

□ 1050

RECESS

The SPEAKER pro tempore (Mr. CHAPMAN). Pursuant to clause 12, rule I, the Chair declares the House in recess until today at noon.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, offered the following prayer:

We pray, O God, that the great words that are heard in this assembly—words of fairness and justice, of peace and harmony and equity, of dedication and service and commitment, of integrity and honor and respect—will be words not only of our lips, but will be committed to our hearts, and may all that we commit to our hearts, let us practice in our daily lives. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3841. An Act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3841) "An act to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RIEGLE, Mr. SARBANES, Mr. DODD, Mr. SASSER, Mr. D'AMATO, Mr. GRAMM, and Mr. ROTH, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 116. An act for the relief of Fanie Phily Mateo Angeles.

FACTUAL HARASSMENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the President has hired Robert Bennett, the noted defense attorney, to defend him against charges of sexual harassment.

Can Bennett defend the President against charges of factual harassment? This is where the President says one thing, but does another.

His health care plan was supposed to promote health security for all, but in reality would lower health care quality while costing a million jobs.

He promised to end welfare as we know it, but if he has a plan he will not show it.

His plan to fight crime spends more money on social programs than on building prisons, and we all remember his promise for a middle-class tax cut.

Mr. Speaker, the President must answer many charges in the months to come. The most serious of all to the American people is the President's penchant for factual harassment.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to remind Members that comments regarding the President of the United States are covered by House rules of comity, and Members should avoid any references to the President that involve suggestions of a personal character.

The Chair wishes to allow reasonable latitude for debate on subjects of personal interest and importance, but Members will observe the rules of comity with regard to the President, Members of the other body, and their fellow Members.

INTRODUCTION OF A RESOLUTION DECLARING AUGUST 16, 1994, AS TV NATION DAY

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, many people often claim the media only shows what is wrong with America and not what is right about our great country. I am pleased to say that a new television program will air this summer that will be an uplifting, positive look at what is right about America.

The program will be known as TV Nation. It is a joint venture between NBC in the United States and the BBC in England. "TV Nation" will be different than most of the television magazine shows currently on the air. This show will be positive and upbeat and will not dwell on the negative aspects of today's society as so many of these tabloid journalism shows do.

I recently participated in an interview with Michael Moore, the host of the new show, and I am looking forward to seeing "TV Nation" later this summer. To support the program's goal of highlighting what is right about America and the world today, I am introducing a resolution declaring August 16, 1994, as "TV Nation Day."

The resolution, which I hope my colleagues will support, will praise "TV Nation" for creating new jobs in this country and improving our balance of trade, but more importantly, it will recognize the show's producers for allowing TV audiences in this country and around the world to see what is right about America, and that alone is a praiseworthy achievement.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Mr. Speaker, I have cleared this unanimous-consent request with the Republican side.

Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight tonight to file its report on the bill, H.R. 4301, the National Defense Authorization Act for fiscal year 1995.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

COMMEMORATIVE COIN TO RECOGNIZE THE 50TH ANNIVERSARY OF THE BLUE ANGELS FLIGHT DEMONSTRATION TEAM

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I rise today to inform my colleagues about legislation I am introducing to recognize the tremendous history of the U.S. Navy Flight Demonstration Squadron, the Blue Angels.

The year 1996 marks the 50th anniversary of the Blue Angels. To honor this occasion, I am introducing a bill to authorize the minting of $1 commemorative coins.

Millions of people have been dazzled by the high-speed flying exhibitions performed by the Blue Angels. In addition to their flying events, though, the pilot and their crews perform numerous good will and role model activities. In virtually every community in which the Blue Angels perform, the team visits high schools and hospitals, and opens practice shows for the disabled and the elderly to inspire people to achieve their highest potential.

The Blue Angels serve not only the Navy, but also our country. In 1992, the team expressed American good will to over 1 million people across Europe and Russia. The Blue Angels deserve our recognition, and I urge my colleagues to support this legislation.

IT'S TIME FOR A TO Z

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the new chairman of the Appropriations Committee wants Members to have a 1-week review of A to Z spending cuts before a vote is taken. I hope that signals a new policy in the Democrat leadership, which now routinely asks Members to vote on bills without the benefit of time to review the specifics. If we're going to wait 1 week before we vote on cuts, I hope Members will have at least that much time to study proposals to spend taxpayers' money. The Speaker said the A to Z spending cuts plan is "poorly thought out" because it "denies the opportunity to Members to have thoughtful consideration and review of legislation prior to votes." In my short tenure here, time and again the text of spending bills, tax bills, and major policy changes was only made available to Members a few hours before the vote. Is this new rhetoric a change of heart, Mr. Speaker, or simply another track smoke and mirrors designed to derail spending cuts?

INTRODUCTION OF H.R. 4371, DIESEL FUEL TAX LEGISLATION

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, last year when we passed the Omnibus Reconciliation Act of 1993, we adopted a fuel-dying scheme to ensure compliance with the new diesel fuel taxes on recreational vessels.

On paper this requirement seemed rather simple. Recreational vessels would be required to purchase clear, taxed fuel and commercial vessels would be required to purchase dyed, tax-exempt fuel.

Unfortunately, since the implementation of the dying scheme forces marina owners to sell two fuels, they must either buy a new fuel storage tank or sell only one fuel. Since most marinas cannot afford new tanks, they are losing business, and boaters across the country are having a hard time finding fuel.

To resolve this problem, I, along with a number of my colleagues, am introducing legislation today, H.R. 4371, which would modify the collection of the new diesel fuel tax. Briefly, H.R. 4371 would allow any vessel—recreational or commercial—to purchase any color fuel. The marina owners would charge the tax at the pump instead of paying the tax at the wholesale level. This change gives boatowners and marinas the necessary flexibility to ensure that fuel will be available this summer.

Mr. Speaker, I am sure that the chairman of the Committee on Ways and Means probably came to the floor to hear me give this 1 minute on this fuel tax modification, and I really appreciate the chairman's solicitude for this legislation.

Mr. Speaker, I urge my colleagues to support the distinguished Members who are introducing this bill with me, and help fix a problem which is creating havoc in the boating industry.

□ 1210

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 11, 1994.

SOCIAL SECURITY ACT AMENDMENTS OF 1994

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4278) to make improvements in the old-age, survivors, and disability insurance program under title II of the Social Security Act.

The Clerk read as follows:

H.R. 4278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Act Amendments of 1994".

SEC. 2. SIMPLIFICATION OF EMPLOYMENT TAXES ON DOMESTIC SERVICES.

(a) COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT WITH COLLECTION OF INCOME TAXES.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end thereof the following new section:

"SEC. 3510. COORDINATION OF COLLECTION OF DOMESTIC SERVICE EMPLOYMENT TAXES WITH COLLECTION OF INCOME TAXES.

"(a) GENERAL RULE.—Except as otherwise provided in this section—

"(1) returns with respect to domestic service employment taxes shall be made on a calendar year basis,

"(2) any such return for any calendar year shall be filed on or before the 15th day of the fourth month following the close of the employer's taxable year which begins in such calendar year, and

"(3) no requirement to make deposits (or to pay installments under section 6157) shall apply with respect to such taxes.

"(b) DOMESTIC SERVICE EMPLOYMENT TAXES SUBJECT TO ESTIMATED TAX PROVISIONS.—

"(1) IN GENERAL.—Solely for purposes of section 6654, domestic service employment taxes imposed with respect to any calendar year shall be treated as a tax imposed by chapter 2 for the taxable year of the employer which begins in such calendar year.

"(2) ANNUALIZATION.—Under regulations prescribed by the Secretary, appropriate adjustments shall be made in the application of section 6654(d)(2) in respect of the amount treated as tax under paragraph (1).

"(3) TRANSITIONAL RULE.—For purposes of applying section 6654 to a taxable year beginning in 1994, the amount referred to in clause (ii) of section 6654(d)(1)(B) shall be increased by 90 percent of the amount treated as tax under paragraph (1) for such taxable year.

"(c) DOMESTIC SERVICE EMPLOYMENT TAXES.—For purposes of this section, the term 'domestic service employment taxes' means—

"(1) any taxes imposed by chapter 21 or 23 on remuneration paid for domestic service in a private home of the employer, and

"(2) any amount withheld from such remuneration pursuant to an agreement under section 3402(p).

For purposes of this subsection, the term 'domestic service in a private home of the employer' does not include service described in section 3121(g)(5).

"(d) EXCEPTION WHERE EMPLOYER LIABLE FOR OTHER EMPLOYMENT TAXES.—To the extent provided in regulations prescribed by the Secretary, this section shall not apply to any employer for any calendar year if such employer is liable for any tax under this subtitle with respect to remuneration for services other than domestic service in a private home of the employer.

"(e) GENERAL REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section. Such regulations may treat domestic service employment taxes as taxes imposed by chapter 1 for purposes of coordinating the assessment and collection of such employment taxes with the assessment and collection of domestic employers' income taxes.

"(f) AUTHORITY TO ENTER INTO AGREEMENTS TO COLLECT STATE UNEMPLOYMENT TAXES.—

"(1) IN GENERAL.—The Secretary is hereby authorized to enter into an agreement with any State to collect, as the agent of such State, such State's unemployment taxes imposed on remuneration paid for domestic service in a private home of the employer. Any taxes to be collected by the Secretary pursuant to such an agreement shall be treated as domestic service employment taxes for purposes of this section.

"(2) TRANSFERS TO STATE ACCOUNT.—Any amount collected under an agreement referred to in paragraph (1) shall be transferred by the Secretary to the account of the State in the Unemployment Trust Fund.

"(3) SUBTITLE F MADE APPLICABLE.—For purposes of subtitle F, any amount required to be collected under an agreement under paragraph (1) shall be treated as a tax imposed by chapter 23.

"(4) STATE.—For purposes of this subsection, the term 'State' has the meaning given such term by section 3306(j)(1).".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end thereof the following:

"Sec. 3510. Coordination of collection of domestic service employment taxes with collection of income taxes.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) EXPANDED INFORMATION TO EMPLOYERS.—The Secretary of the Treasury or his delegate shall prepare and make available information on the Federal tax obligations of employers with respect to employees performing domestic service in a private home of the employer. Such information shall also include a statement that such employers may have obligations with respect to such employees under State laws relating to unemployment insurance and workers compensation.

(b) THRESHOLD REQUIREMENT FOR SOCIAL SECURITY TAXES.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE.—

(A) Subparagraph (B) of section 3121(a)(7) of the Internal Revenue Code of 1986 (defining wages) is amended to read as follows:

"(B) cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer (within the meaning of subsection (y)), if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in subsection (y)) for such year;".

(B) Section 3121 of such Code is amended by adding at the end thereof the following new subsection:

"(y) DOMESTIC SERVICE IN A PRIVATE HOME.—For purposes of subsection (a)(7)(B)—

"(1) EXCLUSION FOR CERTAIN FARM SERVICE.—The term 'domestic service in a private home of the employer' does not include service described in subsection (g)(5).

"(2) APPLICABLE DOLLAR THRESHOLD.—The term 'applicable dollar threshold' means $1,250. In the case of calendar years after 1995, the Secretary of Health and Human Services shall adjust such $1,250 amount at the same time and in the same manner as under section 215(a)(1)(B)(ii) of the Social Security Act with respect to the amounts referred to in section 215(a)(1)(B)(i) of such Act, except that, for purposes of this paragraph, 1993 shall be substituted for the calendar year referred to in section 215(a)(1)(B)(ii)(II) of such Act. If the amount determined under the preceding sentence is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(C) The second sentence of section 3102(a) of such Code is amended—

(i) by striking "calendar quarter" each place it appears and inserting "calendar year", and

(ii) by striking "$50" and inserting "the applicable dollar threshold (as defined in section 3121(y)(2)) for such year".

(2) AMENDMENT OF SOCIAL SECURITY ACT.—Subparagraph (B) of section 209(a)(6) of the Social Security Act (42 U.S.C. 409(a)(6)(B)) is amended to read as follows:

"(B) Cash remuneration paid by an employer in any calendar year to an employee for domestic service in a private home of the employer, if the cash remuneration paid in such year by the employer to the employee for such service is less than the applicable dollar threshold (as defined in section 3121(y)(2) of the Internal Revenue Code of 1986) for such year. As used in this subparagraph, the term 'domestic service in a private home of the employer' does not include service described in section 210(f)(5).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to remuneration paid in calendar years beginning after December 31, 1994.

(4) RELIEF FROM LIABILITY FOR CERTAIN UNDERPAYMENT AMOUNTS.—

(A) IN GENERAL.—On and after the date of the enactment of this Act, an underpayment to which this paragraph applies (and any penalty, addition to tax, and interest with respect to such underpayment) shall not be assessed (or, if assessed, shall not be collected).

(B) UNDERPAYMENTS TO WHICH PARAGRAPH APPLIES.—This paragraph shall apply to an underpayment to the extent of the amount thereof which would not be an underpayment if—

(i) the amendments made by paragraph (1) had applied to calendar years 1993 and 1994, and

(ii)(I) the applicable dollar threshold for calendar year 1993 were $1,150, and

(II) the applicable dollar threshold for calendar year 1994 were $1,200.

SEC. 3. ALLOCATIONS TO FEDERAL DISABILITY INSURANCE TRUST FUND.

(a) ALLOCATION WITH RESPECT TO WAGES.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking "(O) 1.20 per centum" and all that follows through "December 31, 1999, and so reported," and inserting "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 1994, and so reported, (P) 1.88 per centum of the wages (as so defined) paid after December 31, 1993, and before January 1, 2000, and so reported, and (Q) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,".

(b) ALLOCATION WITH RESPECT TO SELF-EMPLOYMENT INCOME.—Section 201(b)(2) of such Act (42 U.S.C. 401(b)(2)) is amended striking "(O) 1.20 per centum" and all that follows through "December 31, 1999," and inserting "(O) 1.20 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1989, and before January 1, 1994, (P) 1.88 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1993, and before January 1, 2000, and (Q) 1.80 per centum of the amount of self-employment income (as so defined) so reported for any taxable year beginning after December 31, 1999,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to wages paid after December 31, 1993, and self-employment income for taxable years beginning after such date.

(d) STUDY ON RISING COSTS OF DISABILITY BENEFITS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a comprehensive study of the reasons for rising costs payable from the Federal Disability Insurance Trust Fund.

(2) MATTERS TO BE INCLUDED IN STUDY.—In conducting the study under this subsection, the Secretary shall—

(A) determine the relative importance of the following factors in increasing the costs payable from the Trust Fund:

(i) increased numbers of applications for benefits;

(ii) higher rates of benefit allowances; and

(iii) decreased rates of benefit terminations; and

(B) identify, to the extent possible, underlying social, economic, demographic, programmatic, and other trends responsible for changes in disability benefit applications, allowances, and terminations.

(3) REPORT.—Not later than December 31, 1995, the Secretary shall transmit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the results of the study conducted under this subsection, together with any recommendations for legislative changes which the Secretary determines appropriate.

SEC. 4. NONPAYMENT OF BENEFITS TO INCARCERATED INDIVIDUALS AND INDIVIDUALS CONFINED IN CRIMINAL CASES PURSUANT TO CONVICTION OR BY COURT ORDER BASED ON FINDINGS OF INSANITY.

(a) IN GENERAL.—Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by inserting "and Certain Other Inmates of Publicly Funded Institutions" after "Prisoners";

(2) in paragraph (1) by striking "during which such individual" and inserting "during which such individual—", and by striking "is confined" and all that follows and inserting the following:

"(A) is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed), or

"(B) is confined by court order in an institution at public expense in connection with—

"(i) a verdict that the individual is guilty but insane, with respect to an offense punishable by imprisonment for more than 1 year,

"(ii) a verdict that the individual is not guilty of such an offense by reason of insanity,

"(iii) a finding that such individual is incompetent to stand trial under an allegation of such an offense, or

"(iv) a similar verdict or finding with respect to such an offense based on similar factors (such as a mental disease, a mental defect, or mental incompetence),

and, for purposes of this subparagraph, an individual so confined shall be treated as remaining so confined until he or she is unconditionally released from the care and supervision of such institution and such institution ceases to meet the individual's basic living needs."; and

(3) in paragraph (3), by striking "any individual" and all that follows and inserting "any individual who is confined as described in paragraph (1) if the confinement is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

(b) CONFORMING AMENDMENTS.—

(1) Section 226 of such Act (42 U.S.C. 426) is amended by adding at the end the following new subsection:

"(i) The requirements of subsections (a)(2) and (b)(2) shall not be treated as met with respect to any individual for any month if a monthly benefit to which such individual is entitled under section 202 or 223 for such month is not payable under section 202(x).".

(2) Section 226A of such Act (42 U.S.C. 426-1) is amended by adding at the end the following new subsection:

"(d) The requirements of subsection (a)(1) shall not be treated as met with respect to any individual for any month if a monthly benefit to which such individual is entitled under section 202 or 223 for such month is not payable under section 202(x).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to benefits for months commencing after 90 days after the date of the enactment of this Act and with respect to items and services provided after such 90-day period.

The SPEAKER. Pursuant to the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Kentucky [Mr. BUNNING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Ways and Means brings before the House today H.R. 4278, a bill simplifying and streamlining the payment of Social Security payroll taxes on domestic workers.

This bill will reform the so-called nanny tax to update an old law and to ease the paperwork burden on household employers. It will increase the number of employers who comply with the law and it will assure that more workers will receive much-needed protection under Social Security.

First, the Social Security tax threshold will be updated from $50 a quarter to $1,250 a year, beginning in 1995. In addition, the threshold will be indexed for the future. This threshold has not been updated since 1950, and, during those years, its value has declined.

No one ever intended that Americans be required to pay taxes on occasional babysitters or yard workers. But that's what has happened over time. This bill will take care of that problem by exempting this type of occasional work from Social Security taxes. At the same time, it will protect full-time nannies and housekeepers by assuring that they receive Social Security coverage.

Second, the bill will reduce paperwork for employers by permitting them to file their employment taxes on their own annual 1040 forms. This simplification—coupled with the updating of the threshold—should result in a significant increase in compliance with the law and should therefore increase the number of people protected under Social Security.

The bill includes two other provisions. The first reallocates a small portion of the Social Security payroll tax from the retirement and survivors fund to the disability fund. About one-third of 1 percent of payroll would be reallocated between funds. The total payroll tax rate paid by individual taxpayers would not change.

The Social Security trustees have recommended this reallocation to assure the short-term solvency of the fund. Without it, the disability insurance fund would become insolvent in 1995.

Finally, the bill suspends Social Security payments to people who are ordered—by a court of law—to be institutionalized at public expense because they are found not guilty of a crime by reason of insanity.

This measure would result in significant savings for the Social Security trust fund and would assure that this legislation falls within the budget rules.

Mr. Speaker, the House acted responsibly last summer and passed a change in both the nanny tax and in the allocation of the trust funds.

At the insistence of the Senate, however, the House was forced to drop these provisions in conference—for procedural reasons. So we are here today to pass them again.

I strongly urge my colleagues to give this bill their full support and to send it on to the Senate for speedy action.

Mr. Speaker, I reserve the balance of my time.

Mr. BUNNING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to be here. I would first like to acknowledge my esteemed colleagues The chairman of the Committee on Ways and Means, and particularly the chairman of the Social Security Subcommittee, for all of his efforts, including holding a separate and in depth hearing on each of the three issues in the bill that we are considering today. I appreciate his fairness and willingness to consider my views and those of other Members on my side.

The bill we are considering today contains three important provisions, all of which are long overdue in my estimation.

The first, a provision to fix the nanny tax problem, made famous by Zoe Baird—is in my view, just about 40 years overdue.

As anyone who has read a newspaper in the last year knows, domestic workers—many of whom work in private homes as housekeepers or nannies—have been covered under Social Secu-

rity for almost 40 years, since 1955, as long as they earned at least $50 in wages in a calendar quarter.

Back then $50 was also the minimum amount that a worker had to earn in order to get any credit toward a Social Security benefit, and represented a week and a half's wage. But that $50 amount was never indexed.

And so, while times have changed for all other employers and workers, domestic workers and the people who employ them have remained frozen in the 1950's.

Because this amount was never indexed, householders who occasionally hire teenage baby sitters and pay them more than $50 a quarter, are technically in violation of the law for failing to report their wages to pay FICA taxes on them.

Congress never intended to make tax cheats out of law-abiding householders who occasionally hire a teenager to babysit their children.

And then there is the issue of all the burdensome paperwork that a householder had to complete in order to pay FICA taxes on the wages of a domestic or nanny.

The bill we are considering today addresses all of these problems.

It raises this outdated $50 wage threshold in a calendar quarter to $1,250 paid in a year—enough to exempt most teenage babysitters and lawn mowers.

I personally would have preferred a higher threshold amount—like the $1,800 threshold that was stripped from last year's budget reconciliation bill.

But I also appreciate the need to protect Social Security entitlement for those who spend their lifetimes in domestic employment—many of whom are low-income women, $1,250 is a reasonable middle ground.

The bill also allows householders who employ domestic workers to pay FICA taxes on their wages as part of their personal tax returns rather than have to complete all sorts of complicated additional paperwork.

The second provision seems to me to be something we need to do whether we like it or not. It would allow a transfer of funds from the Social Security retirement trust fund, which has enough money to last until 2036, to the disability trust fund, which will run out of money next year if we don't act now.

At the same time, however, I think we have to recognize that this transfer is just a Band-Aid. It is a temporary solution.

The administration has to take a serious look at why the disability program is in trouble and it has to act fast.

Congress voted the Social Security Administration extra money last year to process disability backlogs. We voted them $200 million to get the job done, and now we find out that $32 million of that was spent on pay increases and bonuses. This is outrageous and irresponsible.

Social Security Administration needs to get serious about clearing up the disability backlogs—they need to do something about disability reviews. They need to address these problems with the disability program before they hand out any more raises or bonuses.

The third provision is also overdue. Fourteen years ago, in 1980, Congress voted to prohibit payment of Social Security benefits to criminals like the Son of Sam, who are being completely supported at the taxpayers' expense as they serve out their time behind bars. The provision in their bill would likewise prohibit payment of benefits to those who have committed terrible crimes, but who are found not guilty by reason of insanity, and are institutionalized at taxpayers' expense instead of being imprisoned.

That is basically what this is all about. Nothing controversial. It is a commonsense approach to three issues which needed to be addressed. It deserves my colleagues support.

I thank the Chair for its attention to this important bill, and I look forward to its speedy passage.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield the remainder of my time to the gentleman from Indiana [Mr. JACOBS], the chairman of the Subcommittee on Social Security, and I ask unanimous consent that the gentleman from Indiana [Mr. JACOBS] be authorized to yield time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There is no objection.

Mr. JACOBS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also thank the ranking member of the Committee on Ways and Means Social Security Subcommittee for his generous remarks, and in response, say that I have never had the pleasure of working with a more cooperative colleague in the Congress than I have the gentleman from Kentucky [Mr. BUNNING]. It takes two to work things out, and I am very grateful for that. I should also express for the record my gratitude to the gentleman from Massachusetts [Mr. TORKILDSEN] for his contribution to this legislation in clearing up a question of what is a felony and what is not a felony and who should be denied the Social Security benefits. His contribution has been enormous.

I incorporate by reference the remarks of the chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI], and of the ranking member, the gentleman from Kentucky [Mr. BUNNING]. They have described the proposed legislation well and the background of it.

A free society will not be civilized and will not be law-abiding in those instances in which the Government is negligent in terms of fairness of the law, and I confess for the Government that over the past half-century this Government has not forgotten to raise the threshold for any credit you might get for paying Social Security taxes, but in all that time has never raised the threshold for paying it, perhaps the best way to illustrate the ravages of inflation and what profound effects they can have on statutes.

I also incorporate by reference the phenomenon that happened in the earned income tax credit during the first few years of the 1980's when, in fact, it raised the taxes of the poorest working people in our society.

But one little anecdote I think would serve. When Speaker Joe Cannon was in office, or, rather, when he was elected Speaker for the first time, some of his friends explained to him that he had risen high on the social ladder in Washington, and he really ought to have a better place to live. So they took him out and they showed him a nice apartment that ran $400 a month rent, and the Speaker replied, "It would be OK with me fellows. But what would I do with the other $200 of my salary?" The congressional salary when he was Speaker of the House was $5,000, which seems rather unreal today, although I am sure there are some people who are watching C-SPAN who think that would be too much even today even for Members of Congress. But I think most people have a practical knowledge of how inflation works, and this bill is meant to ameliorate that situation.

I commend all of my colleagues who have participated and will participate in this effort for the splendid way in which they have done it in response to the public.

Mr. Speaker, I reserve the balance of my time.

Mr. BUNNING. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, certain issues that come before this body cry out for attention. Making sure that prisoners do not collect benefits while in jail is certainly one of them.

Convicted criminals in jail should not collect taxpayer-funded payments while there. Period.

But under a loophole in existing law, felons who are behind bars are denied Social Security benefits while convicts who are serving time for misdemeanors are allowed to continue receiving money. Because the definition of misdemeanor varies from State-to-State, this means some prisoners serving sentences in excess of 1 year continue to receive Federal money.

This defies logic.

While the taxpayers are paying to keep them in prison, prisoners should not receive any cash benefits.

The problem was highlighted in the Lawrence Eagle-Tribune, a newspaper that circulates in my district.

I propose simply that we cut off benefits to prisoners serving in prison. This simply makes sense.

Mr. Speaker, my proposed change has received bipartisan support in the subcommittee and the full committee, and I want to publicly thank the gentleman from Indiana and the gentleman from Kentucky for their assistance and also thank the gentleman from Indiana for his very kind words and support. This change has been partially included in this bill before the House today, and I hope my colleagues will also lend support.

There has been a lot of talk about welfare reform in the administration and by Members of this body. As we undertake this important task, there will no doubt be numerous areas of legitimate disagreement. However, there should be little room for disagreement on ending Social Security benefits for prisoners.

I urge my colleagues to support this important measure.

Mr. JACOBS. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, 1½ years ago, much of the Nation was made aware of a law which affects hundreds of thousands of people and has been broken by countless employers—the law regarding Social Security earnings for domestic employees, the so-called nanny tax.

Excellent choices for public service could not be made in part because of nominees' failures to fully comply with this law. Many people have discovered they have run afoul of this law, which has not been updated in more than 40 years.

Today, if you use a babysitter or someone to mow your lawn on a regular basis, you may have an obligation to pay Social Security taxes for them. And while it was never the intent of this law to pay this tax for your 12-year-old babysitter, the law is very much needed to protect the men and women who make their living at domestic work.

This law is not one that affects only a few high-profile people. This affects hundreds of thousands of domestic workers, their families, and their employers. When employers fail to pay this tax, workers who have multiple employers can find themselves ineligible for benefits even after a lifetime of work. That is not right. This is absolutely wrong.

Mr. Speaker, I want to thank today a member of the staff of Ways and Means, Sandy Wise, for being very aware of what was happening as we were addressing this piece of legislation in knowing if we passed it in the wrong way many people who worked for multiple employers would lose their Social Security.

Last year, the Ways and Means Committee considered this issue in budget reconciliation. At that time, I was concerned that the $1,750 threshold adopted by both the subcommittee and the full committee would have caused 300,000 people—40 percent of domestic workers—to lose eligibility for Social Security. Those most affected would have been women with multiple employers who work only once or twice each month for each employer. Those women could conceivably work fulltime and receive no credit for Social Security.

Last fall, I introduced a bill with Congresswoman MEEK and Congressman HOUGHTON to raise the threshold to $1,000 per year. The $1,200 threshold in this bill is a good compromise that reduces the administrative burden on employers of the occasional babysitter, or house cleaner while ensuring that workers receive the benefits they are due. This action is long overdue, and I urge my colleagues to support it.

I would like to thank Congresswoman MEEK and Congressman HOUGHTON for their perseverance in working with me to bring forth good legislation. I look forward to containing work with them on this issue.

□ 1230

Mr. BUNNING. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my distinguished colleague, the gentleman from the Commonwealth of Kentucky, for yielding this time to me.

Mr. Speaker, I strongly support H.R. 4278, and commend the committee for its hard work. This bill contains several important provisions that are long overdue. The so-called nanny tax became a household topic over the last 15 months, when several high-profile administration appointees were disqualified from service because they had failed to comply with the law. Those cases raised public awareness that the existing law is sorely out of date and in need of review. Many of my colleagues offered proposals to update a 1950's provision in the law to reflect modern day realities. My bill, H.R. 929, would have increased the threshold requirement from the current $50 limit to $300 per quarter, for an annual earnings total of $1,200. H.R. 4278 does virtually the same—making the annual threshold $1,250. This legislation also limits Social Security benefits for the criminally insane, a provision that closes a current inequity in our system that bars incarcerated felons from receiving Social Security but allows criminally insane people living in mental institutions to continue to claim those benefits. In effect, today we provide Social Security to the criminally insane while society is already paying for their housing and subsistence needs through mental institutions. Finally, this bill makes a technical change that will ensure continued funding of the gentleman from Social Security disability insurance fund—at least in the short term. Many Americans were stunned to learn recently that this fund is so strapped that it is heading for insolvency next year. This causes anxiety in my district. A report last month from the Social Security trustees delivered sobering news that SSDI and the other Social Security funds were in far worse shape and were becoming depleted at a much faster rate than had been predicted. As a member of the President's Bipartisan Commission of Entitlement Reform, I studied this report with alarm. Clearly, the current system is unsustainable. Today's action, although predominantly a stop-gap measure, at least buys us time until we can implement fair and effective changes to ensure the long-term solvency of Social Security. This is something we owe not only to today's retirees—but their children and grandchildren as well.

Mr. HOUGHTON. Mr. Speaker, I want to urge my fellow Members to support this legislation, H.R. 4278, to raise the threshold at which employers must start paying Social Security taxes for their domestic employees. The legislation is long overdue and will protect domestic employees while simplifying reporting requirements for employers.

As one of the originators of the bill, I want to emphasize that the bottom-line people issue is retirement coverage for domestic employees. Yes, there are other issues, such as the payment of income tax; although many of the employees probably have income below the minimum taxable amount. Also, the present filing requirements are numerous and burdensome. However, the overriding concern is to provide retirement coverage for domestic employees.

This bill is not complicated. It raises the threshold that triggers reporting of income to $1,250 per year from the present $50 a quarter. That was set during the Presidency of Mr. Truman. It ties this level to inflation. And it makes it easy for taxpayers to report openly, payments for domestic help, both to the Government and to the employees.

Employees should pay their share of income taxes. But the thrust of this new legislation is to bring those outside the Social Security system back under the umbrella—for their own ultimate protection.

We have been talking about this problem for over a year. It's time to make a change and pass this legislation.

Mrs. MEEK of Florida. Mr. Speaker, today is a happy day for me.

Almost 18 months ago, I introduced legislation to simplify and streamline the payment of employment taxes for domestic workers.

Today, after many twists and turns in the legislative process, the House is poised to pass our bill, H.R. 4278, the Social Security Act Amendments of 1994. Today, we can take a great leap forward in insuring fairness and economic justice for thousands of Americans

who work hard for low wages but who, by and large, have been denied the full benefits of their labor.

This issue has gotten a lot of attention over the past year because several prominent people—the employers of domestic workers—failed to pay Social Security taxes for their employees.

Some of these prominent people were denied appointments to power government posts as a consequence of their failure. They became objects of sympathy to some because of what they were forced to give up.

H.R. 4278 will make it easier for employers like these by simplifying and streamlining the payment of Social Security taxes for domestic workers and reducing their administrative burden.

But Mr. Speaker, to me the chief value of H.R. 4278 is that it will help the employees—the people who work in other peoples' homes. For this bill will insure that they receive the Social Security coverage to which they are entitled by law when they retire or become disabled.

I know well these mostly nameless and faceless people who clean houses, offer in-home child care or provide other services in the home. I was once a domestic worker myself. My mother was a domestic worker. All of my sisters were domestic workers.

Over the years, I have known many women who have worked hard for low pay in domestic jobs. They struggled to support their children and often managed, through great effort and self-denial, to save a little so that their children could have a better future. They are very often minority women, already among the most vulnerable in our society.

These are people who do not get their names in the paper, and until recently, they have been unrepresented in Congress. H.R. 4278 changes all of that.

H.R. 4278 will provide Social Security coverage for these household workers and will give them the security and peace of mind that most workers in this country take for granted.

I strongly urge my colleagues to support this bill.

Mr. Speaker, I want to recognize and thank the chairman of the House Ways and Means Committee, Representative DANNY ROSTENKOWSKI, and the chairman of the Senate Finance Committee, Senator MOYNIHAN, for their sensitivity to the plight of domestic workers and the key roles they have played in moving this legislations forward.

I would also like to thank the distinguished chairman of the subcommittee on Social Security, Mr. JACOBS, for his leadership on this issue, as well as my friends and colleagues, Representative BARBARA KENNELLY of Connecticut and Representative AMO HOUGHTON of New York, who have worked so hard in keeping this issue on the national agenda and getting us to where we are today.

Mr. BEREUTER. Mr. Speaker, the correction of the so-called nanny tax problem, included in the Social Security Act Amendments of 1994, may be made at the expense of a very large number of domestic workers—many of them women who have worked their entire lives for multiple employers at very low wages.

The provision in the Social Security Act regarding domestic employees is intended to protect hundreds of thousands of domestic workers and their families. These men and women, many of whom work for a number of different employers at low wages, may find themselves ineligible for Social Security benefits after a lifetime of work if their employers are not paying Social Security taxes on their behalf. This Member's concern about H.R. 4278 is based on his concern about hurting these part-time domestic workers. This Member would hope that the conference committee will accept the lower threshold that is included in the legislation passed by the other body.

Indeed, there is a case to be made for a slight increase in the threshold at which the tax is applied. Certainly it was not intended to cover part-time teenage baby sitters or young people who mow lawns on weekends, but it is important to protect the men and women who make their livings at domestic work. While some adjustment might be made, the level in this legislation exempts too many employers and too many part-time domestic workers from Social Security coverage.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to support H.R. 4278 and its amendments to the Social Security Act.

This bill would stop the unconscionable practice of providing Social Security checks to the criminally insane while they're incarcerated in a psychiatric facility or prison.

You may find it hard to believe that individuals who commit some of society's most heinous crimes are entitled to collect a monthly Social Security check if they were found not guilty of a crime by reason of insanity. But it's true.

Not only is this an outrage to all hard-working, law-abiding citizen, it poses a real danger to the public safety.

In my home State of New Jersey, Herbert Ollson was confined to a State psychiatric facility after brutally stabbing his parents. While incarcerated, he collected over $9,000 in Social Security checks. Ollson used that money to entice two friends to help him escape. For 5 days, this extremely dangerous individual lived the high life, using taxpayer money to buy illegal drugs, before he was captured.

This case is not an isolated incident.

The bill before us would put an end to this scandalous and dangerous practice. I urge my colleagues to support it.

Mr. BUNNING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JACOBS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4278.

The question was taken.

Mr. JACOBS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOHN MINOR WISDOM U.S. COURTHOUSE

Mr. MINETA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2868), to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Courthouse."

The Clerk read as follows:

Senate amendments:

Page 1, line 6, strike out "Courthouse" and insert "Court of Appeals Building".

Page 2, line 6, strike out "Courthouse" and insert "Court of Appeals Building".

Amend the title so as to read: "An Act to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the 'John Minor Wisdom United States Court of Appeals Building', and for other purposes.".

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate-passed version of H.R. 2868, a bill to designate a Federal building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building." Mr. Speaker, this bill is virtually the same bill that passed the House on November 15, 1993, with a technical change by the Senate regarding the designation of the courthouse.

Madam Speaker, John Minor Wisdom was born in New Orleans, LA, on May 17, 1905. He graduated from Tulane Law School and was admitted to the Louisiana bar in 1929. He practiced law at a firm for 28 years. From 1942 to 1946, he served in the U.S. Army as a lieutenant colonel.

In 1957, he was nominated for appointment to the Fifth Circuit of the U.S. Court of Appeals by President Dwight D. Eisenhower and in 1977 received senior status.

Judge Wisdom is well know as an advocate for civil rights. He is credited with distinguished opinions in a number of landmark cases dealing with desegregation and discrimination, such as the case of the United States versus Jefferson County Board of Education, which used affirmative action to desegregate schools. In the case of United Papermakers versus United States, Judge Wisdom wrote the "rightful place" theory which prohibited the awarding of future jobs based on a seniority system which locked in race discrimination.

Currently, Judge Wisdom still presides as senior judge at the Fifth Circuit, U.S. Court of Appeals and the presiding judge of the special court for the

Regional Rail Reorganization Act of 1973.

Madam Speaker, it is appropriate to honor this great American jurist, by designating the Federal Building located at 600 Camp Street in New Orleans, LA, as the "John Minor Wisdom United States Court of Appeals Building."

Finally, Judge Wisdom will be 89 years old on May 17 and this would be a fitting birthday tribute.

Madam Speaker, I want to commend the distinguished gentleman from Louisiana [Mr. JEFFERSON] for introducing this important piece of legislation, and the subcommittee for moving the bill expeditiously.

Madam Speaker, I urge an "aye" vote on concurring in the Senate amendment.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are about to complete final passage of a splendid tribute to one of this country's most distinguished judges, John Minor Wisdom, who will celebrate the beginning of his 90th year next Tuesday, May 17.

The designation of the U.S. Court of Appeals for the Fifth Circuit in New Orleans as the "John Minor Wisdom United States Court of Appeals Building" will serve as a continuing reminder of the extraordinary contribution John Minor Wisdom has made to this court and the U.S. legal system in his 65 years as lawyer and judge.

We noted on initial passage of this legislation the great debt that we owe to Judge Wisdom for his 37 years of service on the fifth circuit. Our legal system has been enriched by his participation in the judicial process. Through his love of liberty and his country, he has demonstrated a high morality to his fellow citizens.

Judge Wisdom has helped set a remarkable standard for the American judiciary that will be an inspiration for the generations ahead. He has become well known for the "Wisdom opinion" which seeks to place almost every case—whatever its significance—in its broad legal and historical context.

His respect for history has made every Wisdom opinion part of a continuing series of lessons in American history—and I should say the history of his beloved State of Louisiana and the other States in the fifth circuit—over the years.

I have known Judge Wisdom personally for nearly 30 years and have often said that no judge better deserved his name—"Wisdom." When I first visited the judge, his wonderful wife, Bonnie, and their three children in New Orleans in 1966, he had already established a reputation, together with several of his fifth circuit colleagues, as a leading protector of the Constitution and congressional will in the implementation of voting rights, school desegregation, and access to public accommodations throughout the South.

As we said last fall, the naming of the first circuit courthouse in honor of Judge Wisdom will not just recall the name of one of this country's most distinguished citizens, it will also serve as a constant reminder for generations to come of that extraordinary body of wisdom—well over 1,000 carefully crafted opinions—produced by one of our country's greatest minds and moral forces.

I am honored to participate in the passage of legislation that authorizes this action.

□ 1240

Madam Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Madam Speaker, I am pleased to rise in support of H.R. 2868, a bill to name the U.S. Court of Appeals building in New Orleans, after Judge John Minor Wisdom.

Judge Wisdom, a native and resident of New Orleans, is married to the lovely Bonnie Stewart Mathews, and they have three children, John, Jr., Kathleen Scribner, and Penelope Tose. Although he took senior status on the court in 1977, he is still very active, and throughout his career, he has served America as an outstanding jurist.

[From the CONGRESSIONAL RECORD, Nov. 15, 1993]

JOHN MINOR WISDOM—VITA

John Wisdom received his A.B. in 1925 from Washington & Lee University and his LL.B. in 1929 from Tulane Law School. He practiced law in New Orleans from 1929 to 1967. From 1938 to 1967 he also taught law at Tulane. During World War II he served in the Army Air Force and attained the rank of Lieutenant Colonel. From 1964 to to 1967 he was a member of the President's Commission on [Anti-Discrimination in] Government Contracts.

Judge Wisdom has served as a member of the Judicial Panel on Multi-District Litigation (1966–79), and as the panel's chairman (1975–79). He has served on the Advisory Committee on Appellate Rules and on the Special Court organized under the Regional Rail Reorganization Act of 1973. He has been a member of the American Law Institute for over forty years, and is a member (emeritus) of the council.

Honorary degrees include LL.D.s from Oberlin College (1963); Tulane University (1976); San Diego University (1979); Haverford College (1982); Middlebury College (1987); Harvard University (1987) . He received the first Louisiana Bar Foundation Distinguished Jurist Award (1986) and the Tulane Distinguished Alumnus Award (1989).

In his thirty-one years on the bench he has participated in the decisions of more than 4,600 cases, signed over 960 published majority opinions and written unnumbered per curiams and unpublished opinions. In addition, he has written stirring dissents which have persuaded the Supreme Court to grant writs and to reverse.

Judge Wisdom's opinions create an intellectual structure for the law, and speak to the deepest issues with learning, eloquence, technical virtuosity and passion. Ambitious in length and scope, impressive in the compilation of authorities, deft in wit and imagery, his opinions have often been the source of ideas—even language—for United States Supreme Court opinions.

Many of his opinions helped to define civil rights law across the United States.

United States v. Louisiana (1965) which approved the freezing principle suspending state voters' registration law; and affirmed the duty of federal courts to protect federally created or federally guaranteed rights.

United States v. Jefferson County Board of Education (1967) which was the landmark case using affirmative action to desegregate schools "lock, stock, and barrel."

Meredith v. Fair (1962) which desegregated the University of Mississippi.

United States v. City of Jackson (1963) which desegregated bus and railroad terminals in Jackson, Mississippi.

Dombrouski v. Pfister (1965) where the Supreme Court upheld his dissent which would enjoin the State of Louisiana from using the legislature and judiciary to harass civil rights leaders by unwarranted prosecution.

Local 189, United Papermakers and Paperworkers v. United States (1976) which was the landmark case that adopted the "rightful place" theory and that prohibited awarding jobs based on a seniority system with locked-in race discrimination.

Judge Wisdom's expertise is not relegated only to civil rights and the judicial system. He has also written landmark opinions in such fields as admiralty, evidence, labor law, antitrust, and the Louisiana Civil Code.

Two decades ago Times Magazine said of him:

He is equally at home in archaeology, Greek tragedy and Louisiana civil law . . . (He) is one of the best (and most painstaking) opinion writers on any U.S. bench.

In the midst of his astounding workload, Judge Wisdom found time to show an interest in the people that worked for him. Charles S. Treat echoes the sentiment of many who nominated Judge Wisdom:

On a personal level, Judge Wisdom is the epitome of a Southern gentleman. He is a surrogate grandfather to my generation of clerks, taking a genuine and continuing interest in the lives, families, and careers of his judicial family. His extensive list of former clerks is virtually a nationwide legal fraternity, drawn together by our mutual and deep respect for the Judge and love for the man.

Mr. TRAFICANT. Mr. Speaker, courage, compassion, intelligence, and sincerity are just a few of the adjectives which can be used to describe Judge John Minor Wisdom. Judge Wisdom is currently a senior judge with an active docket. During his long, outstanding career Judge Wisdom has participated in numerous landmark legal decisions such as Meredith versus Fair. This historic decision desegregated the University of Mississippi; a decision that has benefitted our whole society. It is truly fitting to honor Judge John Minor Wisdom and his invaluable contributions to judicial proceedings by designating the U.S. courthouse at 600 Camp Street as the John Minor Wisdom United States Court of Appeals Building.

Mr. PETRI. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2868.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2868.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

JOHN F. KENNEDY CENTER ACT AMENDMENTS OF 1994

Mr. MINETA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3567) to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John F. Kennedy Center Act Amendments of 1994".

SEC. 2. FINDINGS, BUREAU, BOARD OF TRUSTEES, AND ADVISORY COMMITTEE.

(a) FINDINGS.—Section 1 of the John F. Kennedy Center Act (20 U.S.C. 76h note) is amended—

(1) by striking "SECTION 1." and inserting the following:

"SECTION 1. SHORT TITLE AND FINDINGS.

"(a) SHORT TITLE.—"; and

(2) by adding at the end the following:

"(b) FINDINGS.—Congress finds that—

"(1) the late John Fitzgerald Kennedy served with distinction as President of the United States and as a Member of the Senate and the House of Representatives;

"(2) by the untimely death of John Fitzgerald Kennedy this Nation and the world have suffered a great loss;

"(3) the late John Fitzgerald Kennedy was particularly devoted to education and cultural understanding and the advancement of the performing arts;

"(4) it is fitting and proper that a living institution of the performing arts, designated as the National Center for the Performing Arts, named in the memory and honor of this great leader, shall serve as the sole national monument to his memory within the District of Columbia and its environs;

"(5) such a living memorial serves all of the people of the United States by preserving, fostering, and transmitting the performing arts traditions of the people of this Nation and other countries by producing and presenting music, opera, theater, dance, and other performing arts; and

"(6) such a living memorial should be housed in the John F. Kennedy Center for the Performing Arts, located in the District of Columbia.".

(b) EX OFFICIO TRUSTEES.—

(1) IN GENERAL.—Section 2 of such Act (20 U.S.C. 76h) is amended—

(A) by striking the section heading and all that follows before "There is hereby" and inserting the following:

"SEC. 2. BOARD OF TRUSTEES.

"(a) ESTABLISHMENT.—";

(B) in the first sentence by inserting "as the National Center for the Performing Arts, a living memorial to John Fitzgerald Kennedy," after "thereof";

(C) in the second sentence by striking "Chairman of the District of Columbia Recreation Board" and inserting "Superintendent of Schools of the District of Columbia"; and

(D) in the second sentence by striking "three Members of the Senate" and all that follows before "ex officio" and inserting "the chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives and 3 additional Members of the House of Representatives appointed by the Speaker of the House of Representatives, and the chairman and ranking minority member of the Committee on Environment and Public Works of the Senate and 3 additional Members of the Senate appointed by the President of the Senate".

(2) EFFECTIVE DATES.—

(A) SUPERINTENDENT OF SCHOOLS OF THE DISTRICT OF COLUMBIA.—The amendment made by paragraph (1)(C) shall take effect on the date of expiration of the term of the Chairman of the District of Columbia Recreation Board serving as a trustee of the John F. Kennedy Center for the Performing Arts on the date of the enactment of this Act.

(B) MEMBERS OF CONGRESS.—The amendment made by paragraph (1)(D) shall take effect on the date of the enactment of this Act.

(c) GENERAL TRUSTEES.—Section 2(b) of such Act is amended to read as follows:

"(b) GENERAL TRUSTEES.—The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of 6 years, except that—

"(1) any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term;

"(2) a member shall continue to serve until such member's successor has been appointed; and

"(3) the term of office of a member appointed before the date of the enactment of the John F. Kennedy Center Act Amendments of 1994 shall expire as designated at the time of appointment.".

(d) ADVISORY COMMITTEE ON THE ARTS.—Section 2(c) of such Act is amended—

(1) by inserting "ADVISORY COMMITTEE ON THE ARTS.—" before "There shall be";

(2) in the first sentence by inserting "of the United States" after "President" the first place it appears;

(3) in the fifth sentence by striking "cultural activities to be carried on in" and inserting "cultural activities to be carried out by"; and

(4) in the last sentence by striking all that follows "compensation" and inserting a period.

SEC. 3. DUTIES OF THE BOARD.

Section 4 of the John F. Kennedy Center Act (20 U.S.C. 76j) is amended by striking the section heading and all that follows through the period at the end of subsection (a) and inserting the following:

"SEC. 4. DUTIES OF THE BOARD.

"(a) PROGRAMS, ACTIVITIES, AND GOALS.—

"(1) IN GENERAL.—The Board shall—

"(A) present classical and contemporary music, opera, drama, dance, and other performing arts from the United States and other countries;

"(B) promote and maintain the John F. Kennedy Center for the Performing Arts as the National Center for the Performing Arts—

"(i) by developing and maintaining a leadership role in national performing arts education policy and programs, including developing and presenting original and innovative performing arts and educational programs for children, youth, families, adults, and educators designed specifically to foster an appreciation and understanding of the performing arts;

"(ii) by developing and maintaining a comprehensive and broad program for national and community outreach, including establishing model programs for adaptation by other presenting and educational institutions; and

"(iii) by conducting joint initiatives with the national education and outreach programs of the Very Special Arts, an entity affiliated with the John F. Kennedy Center for the Performing Arts which has an established program for the identification, development, and implementation of model programs and projects in the arts for disabled individuals;

"(C) strive to ensure that the education and outreach programs and policies of the John F. Kennedy Center for the Performing Arts meet the highest level of excellence and reflect the cultural diversity of the Nation;

"(D) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts;

"(E) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President;

"(F) develop, and update annually, a comprehensive building needs plan for the existing features of the John F. Kennedy Center for the Performing Arts;

"(G) plan, design, and construct all capital projects at the John F. Kennedy Center for the Performing Arts; and

"(H) provide information and interpretation; all maintenance, repair, and alteration of the building of the John F. Kennedy Center for the Performing Arts; and janitorial, security, and all other services necessary for operating the building and site of the John F. Kennedy Center for the Performing Arts.

"(2) ADMINISTRATIVE POWERS AND DUTIES.—

"(A) AUTHORITY TO ENTER INTO CONTRACTS.—The Board, in accordance with applicable law, may enter into contracts or other arrangements with, and make payments to, public agencies or private organizations or persons in order to carry out the Board's functions under this Act. Such authority includes utilizing the services and facilities of other agencies, including the Department of the Interior, the General Services Administration, and the Smithsonian Institution.

"(B) PREPARATION OF BUDGET.—The Board shall prepare a budget pursuant to sections 1104, 1105(a), and 1513(b) of title 31, United States Code.

"(C) USE OF AGENCY PERSONNEL.—The Board may utilize or employ the services of

the personnel of any agency or instrumentality of the Federal Government or the District of Columbia, with the consent of the agency or the instrumentality concerned, upon a reimbursable basis, and utilize voluntary and uncompensated personnel.

"(D) SELECTION OF CONTRACTORS.—In carrying out its duties under this Act, the Board may negotiate any contract for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts with selected contractors and award the contract on the basis of contractor qualifications as well as price.

"(E) MAINTENANCE OF HALLS.—The Board shall maintain the Hall of Nations, the Hall of States, and the Grand Foyer of the John F. Kennedy Center for the Performing Arts in a manner that is suitable to a national performing arts center that is operated as a Presidential memorial and in a manner consistent with other national Presidential memorials.

"(F) MAINTENANCE OF GROUNDS.—The Board shall manage and operate the grounds of the John F. Kennedy Center for the Performing Arts in a manner consistent with National Park Service regulations and agreements in effect on the date of enactment of the John F. Kennedy Center Act Amendments of 1994. No change in the management and operation of such grounds may be made without the express approval of the Secretary of the Interior and of the Congress.".

SEC. 4. OFFICERS AND EMPLOYEES; REVIEW OF BOARD ACTIONS.

(a) SOLICITATION AND ACCEPTANCE OF GIFTS.—Section 5 of the John F. Kennedy Center Act (20 U.S.C. 76k) is amended—

(1) by striking the section heading and all that follows before "The Board is" and inserting the following:

"SEC. 5. POWERS OF THE BOARD.

"(a) SOLICITATION AND ACCEPTANCE OF GIFTS.—"; and

(2) in subsection (a) by striking "Smithsonian Institution" and inserting "John F. Kennedy Center for the Performing Arts, as a bureau of the Smithsonian Institution,".

(b) APPOINTMENT OF OFFICERS AND EMPLOYEES.—Section 5(b) of such Act is amended to read as follows:

"(b) APPOINTMENT OF OFFICERS AND EMPLOYEES.—

"(1) CHAIRPERSON AND SECRETARY.—The Board shall appoint and fix the compensation and duties of a Chairperson of the John F. Kennedy Center for the Performing Arts, who shall serve as the chief executive officer of the Center, and a Secretary of the John F. Kennedy Center for the Performing Arts. The Chairperson and Secretary shall be well qualified by experience and training to perform the duties of their offices.

"(2) SENIOR LEVEL EXECUTIVE AND OTHER EMPLOYEES.—The Chairperson of the John F. Kennedy Center for the Performing Arts may appoint—

"(A) a senior level executive who, by virtue of the individual's background, shall be well suited to be responsible for facilities management and services and who may, without regard to the provisions of title 5, United States Code, be appointed and compensated with appropriated funds, except that such compensation may not exceed the maximum rate of pay for level IV of the Executive Schedule; and

"(B) such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board.".

(c) TRANSFERS; REVIEW OF BOARD ACTIONS.—Section 5 of such Act is amended by striking subsection (c) and inserting the following:

"(c) TRANSFER OF PROPERTY.—Not later than October 1, 1995, such property, liabilities, contracts, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions transferred from the Secretary of the Interior pursuant to the amendments made by the John F. Kennedy Center Act Amendments of 1994 shall be transferred, subject to section 1531 of title 31, United States Code, to the Board as the Board and the Secretary of the Interior may determine appropriate. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which, and subject to the terms under which, the funds were originally authorized and appropriated.

"(d) TRANSFER OF PERSONNEL.—

"(1) IN GENERAL.—Employees of the National Park Service assigned to duties related to those functions being undertaken by the Board shall be transferred with their functions to the Board not later than October 1, 1995.

"(2) RIGHTS AND BENEFITS.—Transferred employees shall remain in the Federal competitive service retaining all rights and benefits provided under title 5, United States Code. For a period of not less than 3 years, transferred employees shall retain the right of priority consideration under merit promotion procedures or lateral reassignment for all vacancies within the Department of the Interior.

"(3) PARK POLICE.—All United States Park Police and Park Police guard force employees assigned to the John F. Kennedy Center for the Performing Arts shall remain employees of the National Park Service.

"(4) COSTS.—All usual and customary costs associated with any adverse action or grievance proceeding resulting from the transfer of functions under this section that are incurred before October 1, 1995, shall be paid from amounts appropriated to the John F. Kennedy Center for the Performing Arts.

"(5) REORGANIZATION AUTHORITY.—Nothing contained in this section shall be deemed to prohibit the Board from reorganizing functions at the John F. Kennedy Center for the Performing Arts in accordance with laws governing such reorganizations.

"(e) REVIEW OF BOARD ACTIONS.—The actions of the Board relating to performing arts and to payments made or directed to be made by the Board from any trust funds shall not be subject to review by any officer or agency other than a court of law.".

SEC. 5. REVIEWS, AUDITS, AND CLAIMS.

Section 6 of the John F. Kennedy Center Act (20 U.S.C. 761) is amended—

(1) in subsection (c) by striking "its" and inserting "the Board's"; and

(2) by striking subsections (e) and (f) and inserting the following:

"(d) AUDIT OF ACCOUNTS.—At least once every 3 years, the Comptroller General shall review and audit the accounts of the John F. Kennedy Center for the Performing Arts for the purpose of examining expenditures of funds appropriated under authority provided by this Act.

"(e) INSPECTOR GENERAL.—The functions of the Board funded by amounts appropriated pursuant to section 12 of this Act shall be subject to the requirements of the Inspector General Act of 1978. The Inspector General of the Smithsonian Institution is authorized to carry out the requirements of such Act on behalf of the Board on a reimbursable basis.

"(f) PROPERTY AND PERSONNEL COMPENSATION.—

"(1) IN GENERAL.—The Board may procure insurance against any loss in connection with the property of the Board and other assets administered by the Board. The Board's employees and volunteers shall be deemed civil employees of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, United States Code; except that the Board shall continue to provide benefits with respect to any disability or death resulting from a personal injury to a nonappropriated fund employee of the Board sustained while in the performance of the employee's duties for the Board pursuant to the workers compensation statute of the jurisdiction in which the John F. Kennedy Center for the Performing Arts is located. Such disability or death benefits, whether under such workers compensation statute or chapter 81 of title 5, United States Code, shall continue to be the exclusive liability of the Board and the United States with respect to all employees and volunteers of the Board.

"(2) FEDERAL TORT CLAIMS.—Notwithstanding paragraph (1), no employee of the Board may bring suit against the United States under the Federal tort claims procedure of chapter 171 of title 28, United States Code, for disability or death resulting from personal injury sustained while in the performance of the employee's duties for the Board.

"(g) SETTLEMENTS, AWARDS, AND JUDGMENTS.—Any settlement, award, or judgment made or entered into pursuant to chapter 171 of title 28, United States Code, arising from any act or omission of an employee of the Board in the performance of a nonappropriated fund activity shall be paid only from funds available to the Board for its performing arts activities.".

SEC. 6. TECHNICAL AMENDMENTS.

Section 10 of the John F. Kennedy Center Act (20 U.S.C. 76p) is amended—

(1) by striking "he" and inserting "the Secretary"; and

(2) by striking "his" and inserting "the Secretary's".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h–76q) is amended by adding at the end the following:

"SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board $12,000,000 per fiscal year for each of fiscal years 1995 through 1999 to carry out subparagraph (H) of section 4(a)(1).

"(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board $9,000,000 per fiscal year for each of fiscal years 1995 through 1999 to carry out subparagraphs (F) and (G) of section 4(a)(1).

"(c) LIMITATION ON USE OF FUNDS.—No funds appropriated pursuant to this section may be used for the direct expenses incurred in the production of performing arts attractions, or for personnel who are involved in performing arts administration (including supplies and equipment used by such personnel), or for production, staging, public relations, marketing, fundraising, ticket sales, and education. However, funds appropriated directly to the Board shall not affect nor diminish other Federal funds sought for performing arts functions and may be used to reimburse the Board for that portion of costs that are Federal costs reasonably allocated to building services and theater maintenance and repairs.".

SEC. 8. DEFINITIONS.

The John F. Kennedy Center Act (20 U.S.C. 76h–76q) is amended by adding at the end the following:

"SEC. 13. DEFINITIONS.

"For the purposes of this Act, the following definitions apply:

"(1) CAPITAL PROJECTS.—The term 'capital projects' means capital repairs, replacements, improvements, rehabilitations, alterations, and modifications to the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, including the theaters, garage, plaza, and building walkways.

"(2) MAINTENANCE, REPAIR, AND SECURITY SERVICES.—The term 'maintenance, repair, and security services' means all services and equipment necessary to maintain and operate the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, including the theater, garage, plaza, and building walkways in a manner consistent with requirements for high quality operations.

"(3) BUILDING AND SITE OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—The terms 'building and site of the John F. Kennedy Center for the Performing Arts' and 'grounds of the John F. Kennedy Center for the Performing Arts' mean the site in the District of Columbia on which the John F. Kennedy Center building is constructed and which extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563, and dated April 20, 1994, which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.".

SEC. 9. RULES AND REGULATIONS.

(a) AUTHORITY TO PRESCRIBE.—Section 5(a) of the Act of October 24, 1951 (40 U.S.C. 193r) is amended—

(1) by striking "Institution and" and inserting "Institution,"; and

(2) by inserting ", and the Trustees of the John F. Kennedy Center for the Performing Arts," after "National Gallery of Art".

(b) AUTHORITY TO SUSPEND.—Section 8 of such Act (40 U.S.C. 193u) is amended by striking "the Secretary of the Smithsonian Institution or the Trustees of the National Gallery of Art or" each place it appears and inserting "the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or".

(c) BUILDINGS AND GROUNDS DEFINED.—Section 9 of such Act (40 U.S.C. 193v) is amended by adding at the end the following:

"(3) The site of the John F. Kennedy Center for the Performing Arts, which shall be held to extend to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563, and dated April 20, 1994, which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, as amended. Today is indeed a historic occasion as this bill, by making significant changes to the John F. Kennedy Center Act, gives the Kennedy Center, for the first time, full responsibility for its own activities.

First of all, Madam Speaker, I want to commend the gentleman from Ohio, the subcommittee chairman on Public Buildings and Grounds, Mr. TRAFICANT, and the subcommittee's ranking Republican member, Mr. DUNCAN, for their fine leadership on this important measure. I would also like to recognize and thank the Committee on Natural Resources' Chairman GEORGE MILLER, ranking Republican DON YOUNG, Chairman BRUCE VENTO, ranking Republican member JAMES HANSEN of their Subcommittee on National Parks, Forests, and Public Lands and their staffs for their cooperation and hard work on this measure. I am pleased that this bill enjoys such broad bipartisan support. It is truly a visionary piece of legislation.

H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, as amended, represents months of sustained effort, coordination and hard work by both the Kennedy Center, primarily Mr. James Wolfensohn, chairman of the board at the John F. Kennedy Center for the Performing Arts, and his staff, and the Department of Interior, specifically Secretary Babbitt and the representatives from the National Park Service. They all deserve our praise and thanks.

The Kennedy Center, like the Smithsonian Institution and its other bureaus, is a unique trust instrumentality of the United States.

The original act establishes the Kennedy Center not only as a cultural arts center, but also charges it with the responsibility of administering a living memorial to President John F. Kennedy. Finally, it has a mandated mission to serve both the local and national community.

Currently, the management of operations and maintenance of the Kennedy Center is shared between the Center's Board of Trustees and the National Park Service of the Department of Interior. Over the past 23 years since the building was constructed there have been several serious building defects and maintenance problems. The Kennedy Center Board and the Park Service have tried to share responsibility for the nonperforming arts aspects of the Kennedy Center's operations. Unfortunately, this shared approach has not been as successful as both would have hoped.

This bill, as amended, addresses this fundamental issue by giving the Kennedy Center sole responsibility for its building and site. As such, the Center will receive directly the general fund appropriations necessary to fulfill its new responsibilities. Currently, the nonperforming arts functions of the Center are funded by appropriations to the Park Service.

With the passage of this historic bill, the Kennedy Center management will for the first time enjoy both the responsibility and accountability for its building, theaters, and its performing arts and education activities. But with the responsibility also comes the opportunity to set a vision for the future. The current Kennedy Center management welcomes its new challenge and we are proud to have helped frame its mandate.

Madam Speaker, this legislation affirms once again the fundamental mission of the Nation's living memorial to President Kennedy, and I strongly urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to rise in support of H.R. 3567. This legislation will allow the Kennedy Center Board of Directors to have direct control of the financial resources necessary to maintain the Center.

My support for this legislation has been generated by the outstanding leadership which the chairman of the board of the Kennedy Center, Mr. James Wolfensohn, has brought to the Center's activities.

Mr. Wolfensohn is a shining example of a highly successful businessman who has combined tax dollars with private dollars to fund a Federal program. In fact, thanks to the respect with which Mr. Wolfensohn is held by his many friends in the United States and overseas, he has been able to raise $71,265,000 from private sources to support the programs of the Kennedy Center.

I appreciate Mr. Wolfensohn's willingness to not only seek direct control of the funding to maintain the Kennedy Center, but his willingness to be accountable for maximizing the use of the funds. An attribute rarely found in government these days.

The Kennedy Center has established an outstanding education program

thanks to the efforts of Mr. Wolfensohn. This program serves thousands of children, their parents, and teachers in every State.

We are fortunate to have Jim Wolfensohn, who commands the respect of the National and International Performing Arts Community, as the chairman of the Board of Directors of the Kennedy Center.

I am pleased to join the chairman of the Public Buildings and Grounds Subcommittee, Congressman JIM TRAFICANT and the subcommittee's ranking Republican, Congressman JIMMY DUNCAN, who has played a key role in the bipartisan drafting of this legislation, in recommending House approval of H.R. 3567.

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Madam Speaker, I have no requests for additional time, and I yield back the balance of my time.

Mr. MINETA. Madam Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO], the very distinguished chairman of the Subcommittee on National Parks, Forests, and Public Lands of the Committee on Natural Resources, and I take this opportunity to thank him again for his hard work and cooperation on this measure.

Mr. VENTO. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, H.R. 3567, the John F. Kennedy Center Act Amendments of 1994, provides for a five-year authorization for maintenance, repair, and capital projects at the John F. Kennedy Center for the Performing Arts in the District of Columbia. The legislation, as introduced, also transfers all current National Park Service responsibilities and personnel to the Kennedy Center Board of Trustees. The Center will function in the future as a Bureau of the Smithsonian Institution, and funding for nonperforming arts purposes will be provided through an appropriation directly to the Board of Trustees.

H.R. 3567 was favorably reported to the House of Representatives by the Committee on Public Works and Transportation on March 24, 1994, and subsequently was referred to the Committee on Natural Resources through April 29, 1994. Since the committee was unable to meet on April 27 because of the Nixon funeral, the referral was extended through May 6. The Committee on Natural Resources reported the bill favorably to the House of Representatives on May 4, 1994.

At this point, I would like to take the opportunity to commend the hard work of my colleagues on the Public Works Committee. I appreciate their commitment to developing appropriate legislation while remaining sensitive to the concerns of the Natural Resources Committee and of the National Park Service. The legislation before us today is the product of many discussions among the agencies and the committees, and I believe it accomplishes the goals of all parties while protecting all interests. I thank the members of the Public Works Committee for agreeing to work with this committee and for their patience during the entire process.

The John F. Kennedy Center for the Performing Arts is an existing unit of the National Park System and for 20 years the National Park Service has been, by law, responsible for the nonperforming arts functions of the Center. The relationship between the National Park Service and the Kennedy Center Board of Trustees has been ambiguous at best. The Kennedy Center now requires approximately $100 million worth of repairs and capital improvements, and the need for clarification of the respective responsibilities has become critical. Both the National Park Service and the Kennedy Center have agreed that a complete separation of the National Park Service from the Center is the most appropriate resolution to the problems now facing the Center.

While I am an original cosponsor of the bill, and believe that the Kennedy Center Board of Trustees is the appropriate entity to manage the building, I had some concerns about certain provisions which are addressed in the amendment in the nature of a substitute approved by the Committee on Natural Resources and which is before the House today.

First, the committee amendment provides that the Board of Trustees will provide for the Center's management in a manner consistent with other national Presidential memorials. By law, and under this legislation, the Center will remain a memorial to the last President. I believe we must have a clearly enunciated policy to ensure that the Center meets the high standard fitting a national memorial.

Second, the amendment specifies that the grounds must be managed consistent with current National Park Service regulations and agreements. While I agree that the separation of powers is necessary and a positive step in accomplishing the required renovations, I remain concerned about the impact on surrounding National Park Service property. Because of the Kennedy Center's location amid heavily used and fragile National Park resources, I believe there should be continuity and consistency in the management of the grounds. The committee amendment requires the Kennedy Center to continue to manage the grounds according to current National Park Service regulations and agreements; any changes in such management must be approved by the Secretary and enacted by Congress. This amendment ensures the appropriate maintenance of both the building and the grounds while protecting the National Park Service interest in the surrounding property and open space.

Finally, the amendment references a map which delineates the boundaries of the John F. Kennedy Center for the Performing Arts, which upon enactment would be under the jurisdiction of the Board of Trustees.

These changes were agreed to by the Kennedy Center Board of Trustees, the National Park Service, and the Committee on Public Works and Transportation. I believe the version we are bringing to the House today will enable much-needed improvements to be made to the Kennedy Center while protecting the interests of the National Park Service and I urge my colleagues' support.

Ms. NORTON. Madam Speaker, good afternoon and thank you, Madam Speaker. I rise today in support of H.R. 3567, a bill to amend the John F. Kennedy Center Act to transfer operating and capital improvement responsibilities from the National Park Service to the Board of Trustees of the John F. Kennedy Center for the Performing Arts. I want to thank NORMAN MINETA, chairman, of the Committee on Public Works and Transportation, and JAMES TRAFICANT, chairman of the Subcommittee on Public Buildings and Grounds for guiding this bill to passage.

This bill is truly exemplary of efforts to reinvent government. Recognizing the inefficacy over the years of dividing responsibility for the operations, maintenance, and capital repairs of the Kennedy Center, the Board of Trustees of the Kennedy Center and the National Park Service mutually agreed to centralize these responsibilities with the Center's Board of Trustees. The approach crafted in the bill will promote stability and allow the Board to develop and carry out a plan that will set the Kennedy Center on a healthy financial and structural path for the 21st century. It will also enable the National Park Service to dedicate scarce human and financial resources to protecting and conserving our natural environment.

In addition, the bill is an excellent example of public/private partnership. Mr. James Wolfensohn, chairman of the Kennedy Center since 1990, has brought his extraordinary talent and energy to this legislation. In an effort to prevent the Center's continued deterioration, Mr. Wolfensohn asked Congress for responsibility to maintain and improve the Center. At the same time, understanding that Federal budgets are severely constrained, he has relentlessly raised funds from private donors during a time when fewer are contributing to cultural institutions. I am confident that under his leadership the Board will work effectively, to establish a capital improvements program that will restore the fading luster of the Center's physical structure.

The Kennedy Center has established itself as a hallmark national cultural arts center and Presidential memorial. In its two decades of life, it has created an enviable record by presenting diverse and quality art performances to traditional patrons of the arts, as well as reaching out to segments in communities and the Nation that have had little exposure to the

arts. The Kennedy Center's new and innovative programs to educate our country's youth and to advance the arts nationwide replicate outstanding Kennedy Center programs already enjoyed by the residents of the District of Columbia. Most notable are the arts enterprise zone and cultural passport programs, which provide workshops, classes, and internships to disadvantaged students in the District, and professional development workshops to their teachers. This year, in collaboration with the renowned Dance Theatre of Harlem, the Kennedy Center has begun a new community initiative in the metropolitan Washington area. Classical ballet is introduced to students through lectures, demonstrations, workshops, training, and performances.

In the District, as in many States throughout the country, the Kennedy Center has created the unprecedented opportunity to make the arts a part of every child's education. H.R. 3567, by more fully delineating the Kennedy Center's educational purpose for its national programs, will enable the Kennedy Center to continue in this fine tradition of encouraging teachers, students, and their families to appreciate the importance of the visual and performing arts in the educational process and to share the experience of attending live performances.

Mr. TRAFICANT. Madam Speaker, the members of the Public Works and Transportation Committee offer their enthusiastic, bipartisan support for H.R. 3567, as amended. This bill will correct long-standing deficiencies in the management and operations of one of our Nation's most recognized and cherished buildings, the Presidential Memorial to John F. Kennedy.

Members of the committee have reviewed, analyzed, and critiqued the bifurcated management structure of the Kennedy Center, and in particular, the planning and management of its capital program. It became apparent that, in order to preserve an already substantial investment in this building, adjustments in the management structure were needed which would clearly place all management and operational responsibility and authority with the Board of the John F. Kennedy Center. This authority includes planning, designing, and constructing all capital projects at the Kennedy Center. The Center will retain its authority and responsibility for routine, daily maintenance. Having the ability to manage routine maintenance as well as planning and execution for capital improvements will most assuredly enhance the overall management and operation of this special institution.

The Center will continue in its leadership role in national performing arts programs for American citizens of all ages.

As always, the John F. Kennedy Center for the Performing Arts will be the national exemplar in performing arts activities and in educational programs in the arts for disabled individuals.

And, the John F. Kennedy Center for the Performing Arts will continue as the most prestigious memorial to President John F. Kennedy.

I wish to thank my chairman, NORM MINETA, for his support and guidance, Chairman BRUCE VENTO of the Natural Resources Committee for his cooperation, insight, and expeditious action on H.R. 3567, and finally, Congressman JOHN DUNCAN for lending his support for this bill.

As I have mentioned, this bill has broad bipartisan support at the subcommittee and full committee levels and I urge adoption of H.R. 3567.

Mr. MINETA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 3567, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CLEAR CREEK COUNTY, CO, LAND TRANSFER

Mr. VENTO. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1134) to provide for the transfer of certain public lands located in Clear Creek County, CO, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

The Clerk read as follows:

Senate amendments:

(1) Page 2, line 22, strike out [(1)] and insert: *(1) The boundaries of the Arapaho National Forest are hereby modified as shown on the map referred to in section 2.*

(2) Page 6, lines 16 and 17, strike out [section 202] and insert: *section 2*

(3) Page 8, line 21, strike out all after "(c))." down to and including "Act," in line 24 and insert: *Any lands so transferred shall be held by the recipient thereof under the same terms and conditions as if transferred by the United States under such Act,*

(4) Page 9, line 15, strike out [MINING] and insert: *MINERAL*

(5) Page 10, strike out all after line 6 over to and including line 5 on page 11 and insert: *(b) LIMITATION ON PATENT ISSUANCE.—Subject to valid existing rights, no patent shall be issued after the date of enactment of this Act for any mining or mill site claim located under the general mining laws within the public lands referred to in sections 4 and 5.*

(6) Page 11, line 10, strike out [title] and insert: *Act*

(7) Page 11, line 17, strike out [title] and insert: *Act*

(8) Page 11, line 19, strike out [title] and insert: *Act*

(9) Page 11, line 22, strike out [enactment of this Act] and insert: *their transfer to the ownership of another party*

(10) Page 11, strike out all after line 22, over to and including line 4 on page 12.

(11) Page 12, line 5, strike out [(d)] and insert: *(c)*

Amend the title so as to read: "An Act to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the measure now before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1134 is a bill by the gentleman from Colorado [Mr. SKAGGS] that addresses the complicated land-ownership pattern in Clear Creek County, CO.

This area was the locale of some of the earliest discoveries of gold and silver in Colorado. As a result, the Federal lands in the county have been fragmented by extensive patenting of mining claims.

Some of the Federal lands in the county are now within the National Forest System. The remainder are under the jurisdiction of the Bureau of Land Management but, because of the fragmentation, are not readily manageable. As a result, BLM has proposed that they be added to the national forest or transferred out of Federal ownership.

The purpose of H.R. 1134 is to facilitate that process, by providing for the transfer of lands from BLM to the Forest Service, to the State of Colorado, to Clear Creek County, and to local governments.

The House passed the bill last year. The Senate has now returned it to us with a number of amendments. Most of those changes are minor technical corrections, but there is also one substantive amendment, dealing with the treatment of mining claims on the lands that would be transferred out of Federal ownership.

As passed by the House, the bill would have allowed mining claimants to proceed to patent their claims, subject to certain restrictions. The Senate instead provides that, subject to valid existing rights, no such patents will be issued.

Madam Speaker, this is an acceptable change, which we believe is entirely consistent with the policy choice made by the House on this matter. Accordingly, I am asking that the House concur in the Senate amendments and send the bill to the President for signature into law.

Madam Speaker, I want to congratulate the sponsor of the bill, Mr. SKAGGS, for his initiative and hard work on this matter that is of interest not only to his constituents in Clear Creek County but also to the National Government. Thanks to his leadership, the bill provides a workable solution to a thorny problem. I commend him for his creativity and urge the House to concur in the Senate amendment to the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate amendments to H.R. 1134. This legislation would streamline Federal land management by transferring isolated and fragmented tracts of public lands in Clear Creek County, CO, to the Forest Service, the State of Colorado, and several local governments.

The Bureau of Land Management in 1986 determined that title to surface rights in Clear Creek County, CO, ought to be transferred to other owners. This decision was made because Federal ownership is fragmented, making the area difficult and uneconomic for the BLM to manage. At the present time, much of this land cannot be used by the general public because of poor access and problems identifying the boundaries between public and private lands.

This legislation would legislatively dispose of these lands and prevent the expensive and time-consuming transfer incurred using the BLM's standard procedures. In fact, some estimate that the costs of surveys and other administrative expenses normally incurred with transfers and disposals like these might actually exceed the revenue generated if these lands were sold.

I urge my colleagues to support H.R. 1134 and put these Federal lands in the hands of those who are better able to manage them.

□ 1300

Mr. VENTO. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS] the principal architect of this measure.

Mr. SKAGGS. Madam Speaker, it gives me great pleasure to see the House about to give final congressional approval to this public lands transfer legislation. This bill originally passed the House almost a year ago, and is now back before us for agreement to some relatively minor amendments made by the Senate last month.

I originally introduced this bill to make sense of a crazy-quilt of land ownership patterns in Clear Creek County, CO, that has been described as resembling an explosion in a spaghetti factory. The bill will bring some order to bear and do so in a way that saves everybody—especially American taxpayers—money. It will also help protect open-space areas and preserve historic sites.

As part of its plan to merge its eastern Colorado operations into one administrative office, BLM has long sought to turn over to other units of Government many of its scattered, fragmented parcels of lands, some measured in inches, in Clear Creek County, in the eastern mountains of Colorado. This bill will help achieve that goal by transferring more than 14,000 acres of land from the BLM to the U.S. Forest Service, to the State of Colorado, to Clear Creek County, and to the towns of Georgetown and Silver Plume.

First, it transfers some BLM lands to the Arapaho National Forest, with the Forest Service to become responsible for their administration. This transfer clears up some clumsy boundary lines in the national forest and relieves BLM of responsibility for small parcels that would be more appropriately managed as part of the forest.

Second, it transfers additional lands to the State of Colorado, the county, and the towns I mentioned. Again, this is intended to clear up confusing boundaries, and will facilitate effective management of those lands for wildlife, recreation, and other public purposes.

A third category of lands will be transferred to Clear Creek County. After the county prepares a comprehensive land use plan for these, it may resell some of the land. Other parcels will be transferred to local governments, including the county, to be retained for recreation and public purposes.

Although BLM could transfer these lands under existing law, it would be required first to prepare a land survey of each parcel of land. Since the lands in question include many small, odd-shaped parcels—some measured in inches—BLM estimates that the normal boundary surveys would take at least another 15 years to complete, and could cost as much as $18 million. But, the estimated market value of these lands is ony $3 million.

Because the administrative costs were expected to be so much higher than the value of these lands, their disposal under existing law probably would never happen. In addition, once it decided to transfer these lands, BLM had really stopped managing them—leading potentially to all of the problems which befall abandoned property.

In effect, H.R. 1134 facilitates the disposal of these lands by allowing the lands to be transferred without land surveys, with any required surveys to be conducted later, by the recipients. In part, this is accomplished by authorizing the county to act as the BLM's sales agent. The Federal Government will ultimately receive any net receipts from the sale of these lands by the county. I do not wish to mislead my colleagues into thinking that this will result in any significant income for the Treasury. As the House committee report concludes, the transaction costs involved in these sales will probably be higher than total receipts. But compared to operating under existing law, this arrangement will save taxpayers at least $15 million.

Obviously, Clear Creek County will not reap any financial benefit from acting as BLM's sales agent. The county seeks to gain in other ways. It seeks to ensure that the eventual disposal of these lands is consistent with local land use planning laws and with the ability of local services to accommodate potential development. It seeks to ensure that important recreational, open space, and other values are preserved by retaining some of these lands in public ownership under terms of the Recreation and Public Purposes Act. Finally, the county seeks to expedite the disposal of those parcels suitable for sale, restoring them to the tax base.

In conclusion, this is more than just a good legislation, it is an extraordinary example of how the ingenuity of many individuals has turned a difficult problem—which appeared to be a losing proposition for all involved—into an orderly solution which offers benefits for all.

I wish to thank my colleague from Minnesota, the chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. VENTO, as well as the distinguished Chairman of the full committee, Mr. MILLER, for their continuing support and expeditious action on this bill. In addition, I wish to express my appreciation to the professional staff of the subcommittee and committee for their earlier work on the bill.

As the culmination of many years of work by the BLM, the Forest Service, Clear Creek County officials, the State of Colorado, and their citizen advisors, there are many individuals who deserve credit for this proposal. While I do not have time to thank them all, I do want to again recognize the contributions of former Clear Creek County Commissioner Peter Kenney. In conclusion, I urge all of my colleagues to support H.R. 1134 as passed by the Senate. It is a well-reasoned, efficient approach to resolve a complex land transaction problem—one that is supported by all of the parties involved.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

Mr. VENTO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and concur in the Senate amendments to H.R. 1134.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COLORADO LAND EXCHANGES

Mr. VENTO. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 341) to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

The Clerk read as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Eagle and Pitkin Counties in the State of Colorado (hereinafter in this Act referred to as the "Counties") are offering to convey to the United States approximately one thousand three hundred and seven acres of patented mining claim properties owned by the Counties with or adjacent to the White River National Forest (hereinafter in this Act referred to as the "National Forest inholdings"), including approximately six hundred and sixty nine acres of inholdings within the Holy Cross, Hunter-Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass Wilderness Areas;

(2) the properties identified in paragraph (1) are National Forest inholdings whose acquisition by the United States, would facilitate better management of the White River National Forest and its wilderness resources; and

(3) certain lands owned by the United States within Eagle County comprising approximately two hundred and seventeen acres and known as the Mt. Sopris Tree Nursery (hereinafter in this Act referred to as the "nursery lands") are available for exchange and the Counties desire to acquire portions of the nursery lands for public purposes.

(b) PURPOSES.—The proposes of this Act are—

(1) to provide the opportunity for an exchange whereby the Counties would transfer to the United States the National Forest inholdings in exchange for portions of the nursery lands;

(2) to provide an expedited mechanism under Federal law for resolving any private title claims to the National Forest inholdings if the exchange is consummated; and

(3) after the period of limitations has run for adjudication of all private title claims to the National Forest inholdings, to quite title in the inholdings in the United States subject to valid existing rights adjudicated pursuant to this Act.

SEC. 2. OFFER OF EXCHANGE.

(a) OFFER BY THE COUNTIES.—The exchange directed by this Act shall be consummated if within ninety days after enactment of this Act, the Counties offer to transfer to the United States, pursuant to the provisions of this Act, all right, title, and interest of the Counties in and to approximately—

(1) one thousand two hundred and fifty eight acres of lands owned by Pitkin County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as parcels 1–53 on maps entitled "Pitkin County Lands to Forest Service", numbered 1–11, and dated April 1990, except for parcels 20 (Twilight), 21 (Little Alma), the Highland Chief, and Alaska portions of parcel 25 depicted on map 7, and parcel 52 (Iron King) on map 11, which shall remain in their current ownership; and

(2) forty-nine acres of land owned by Eagle County within and adjacent to the boundaries of the White River National Forest, Colorado, and generally depicted as parcels 54–58 on maps entitled "Eagle County Lands to Forest Service", numbered 12–14, and dated April 1990, except for parcel 56 (Manitou) on map 14 which is already in National Forest ownership.

(b) EXCHANGE BY THE SECRETARY.—Subject to the provisions of section 3, within ninety days after receipt by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") of a quitclaim deed from the Counties to the United States of the lands identified in subsection (a) of this section, the Secretary, on behalf of the United States, shall convey by quitclaim deed to the counties, as tenants in common, all right, title, and interest of the United States in and to approximately one hundred and thirty-two acres of land (and water rights as specified in section 7 and the improvements located thereon), as generally depicted as tract A on the map entitled "Mt. Sopris Tree Nursery", dated October 5, 1990.

SEC. 3. RESERVATIONS AND CONDITIONS OF CONVEYANCE.

(A) RESERVATIONS.—In any conveyance to the Counties pursuant to section 2, the Secretary shall reserve—

(1) all right, title, and interest of the United States in and to approximately eighty-five acres of land (and improvements located thereon), which are generally depicted as tracts B (approximately twenty-nine acres) and C (approximately fifty-six acres) on the map referred to in section 2(b);

(2) water rights as specified in section 7(a); and

(3) any easements, existing utility lines, or other existing access in or across tract A currently serving buildings and facilities on tract B.

(b) REVERSION.—It is the intention of Congress that any lands and water rights conveyed to the Counties pursuant to this Act shall be retained by the Counties and used solely for public recreation and recreational facilities, open space, fairgrounds, and such other public purposes as do not significantly reduce the portion of such lands in open space. In the deed of conveyance to the Counties, the Secretary shall provide that all right, title, and interest in and to any lands and water rights conveyed to the Counties pursuant to this Act shall revert back to the United States in the event that such lands or water rights or any portion thereof are sold or otherwise conveyed by the Counties or are used for other than such public purposes.

(c) EQUALIZATION OF VALUES.—Values of the respective lands exchanged between the United States and the Counties pursuant to this Act are deemed to be of approximately equal value, without any need for cash equalization, as based on a statement of value prepared by qualified Forest Service appraisers and dated February 12, 1993.

(d) RIGHT OF FIRST REFUSAL.—The Secretary may convey any or all of the nursery lands reserved pursuant to subsection (a) of this section for fair market value under existing authorities, except that the Secretary shall first offer the Counties the opportunity to acquire the lands. This right of first refusal shall commence upon receipt by the Counties of written notice of the intent of the Secretary to convey such property, and the Counties shall have sixty days from the date of such receipt to offer to acquire such properties at fair market value as tenants in common. The Secretary shall have sole discretion as to whether to accept or reject any such offer of the Counties.

SEC. 4. STATUS OF LANDS ACQUIRED BY THE UNITED STATES.

(a) NATIONAL FOREST SYSTEM LANDS.—The National Forest inholdings acquired by the United States pursuant to this Act shall become a part of the White River National Forest (or in the case of portions of parcels 39, 40, and 41 depicted on map 9, and a portion of parcel 54 of map 12, part of the Gunnison and Arapahoe National Forests, respectively) for administration and management by the Secretary in accordance with the laws, rules, and regulations applicable to the National Forest System.

(b) WILDERNESS.—The National Forest inholdings that are within the boundaries of the Holy Cross, Hunter-Fryingpan, Collegiate Peaks, and Maroon Bells-Snowmass Wilderness Areas shall be incorporated in and deemed to be part of their respective wilderness areas and shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness.

SEC. 5. RESOLVING TITLE DISPUTES TO NATIONAL FOREST INHOLDINGS.

(a) QUIET TITLE ACT.—Notwithstanding any other provisions of law and subject to the provisions of subsection (c) of this section, section 2409a of title 28, United States Code (commonly referred to as the "Quiet Title Act") shall be the sole legal remedy of any party claiming any right, title, or interest in or to any National Forest inholdings conveyed by the Counties to the United States pursuant to this Act.

(b) LISTING.—Upon conveyance of the National Forest inholdings to the United States, the Secretary shall cause to be published in a newspaper or newspapers of general circulation in Pitkin and Eagle Counties, Colorado, a listing of all National Forest inholdings acquired pursuant to this Act together with a statement that any party desiring to assert a claim of any right, title, or interest in or to such lands must bring an action against the United States pursuant to such section 2409a within the same period described by subsection (c) of this section.

(c) LIMITATION.—Notwithstanding section 2409a(g) of title 28, United States Code, any civil action against the United States to quiet title to National Forest inholdings conveyed to the United States pursuant to this Act must be filed in the United States District Court for the District of Colorado no later than the date that is six years after the date of publication of the listing required by subsection (b) of this section.

(d) VESTING BY OPERATION OF LAW.—Subject to any easements or other rights of record that may be accepted and expressly disclaimed by the Secretary, and without limiting title to National Forest inholdings conveyed by the Counties pursuant to this Act, all other rights, title, and interest in or to such National Forest inholdings if not otherwise vested by quitclaim deed to the

United States, shall vest in the United States on the date that is six years after the date of publication of the listing required by subsection (b) of this section, except for such title as is conveyed by the Counties, no other rights, title, or interest in or to any parcel of the lands conveyed to the United States pursuant to this Act shall vest in the United States under this subsection if title to such parcel—

(1) has been or hereafter is adjudicated as being in a party other than the United States or the Counties; or

(2) is the subject of any action or suit against the United States to vest such title in a party other than the United States or the Counties that is pending on the date six years after the date of publication of a listing required by subsection (b) of this section.

(e) COSTS AND ATTORNEY'S FEES.—(1) At the discretion of the count, any party claiming right, title, or interest in or to any of the National Forest inholdings who files an action against the United States to quiet title and fails to prevail in such action may be required to pay to the Secretary on behalf of the United States, an amount equal to the costs and attorney's fees incurred by the United States in the defense of such action.

(2) As a condition of any transfer of lands to the Counties under this Act, the Counties shall be obligated to reimburse the United States for 50 percent of all costs in excess of $240,000 not reimbursed pursuant to paragraph (1) of this subsection associated with the defense by the United States of any claim or legal action brought against the United States with respect to any rights, title, and interest in or to the National Forest inholdings. Payment shall be made in the same manner as provided in section 6 of this Act.

SEC. 6. REIMBURSEMENT TO THE UNITED STATES.

(a) IN GENERAL.—As a condition of any transfer of lands to the Counties under this Act, in addition to any amounts required to be paid to the United States pursuant to section 5(e), in the event of a final determination adverse to the United States in any action relating to the title to the National Forest inholdings, the United States shall be entitled to receive from the Counties reimbursement equal to the fair market value (appraised as if they had marketable title) of the lands that are the subject of such final determination.

(b) AVAILABILITY OF FUNDS.—Any money received by the United States from the Counties under section 5(e) or subsection (a) of this section shall be considered money received and deposited pursuant to the Act of December 4, 1967, as amended (and commonly known as the Sisk Act, 16 U.S.C. 484a).

(c) IN-KIND PAYMENT OF LANDS.—In lieu of monetary payments, any obligation for reimbursement by the Counties to the United States under this Act can be fulfilled by the conveyance to the United States of lands having a current fair market value equal to or greater than the amount of the obligation. Such lands shall be mutually acceptable to the Secretary and the Counties.

SEC. 7. WATER RIGHTS.

(a) ALLOCATION AND MANAGEMENT.—The water rights in existence on the date of enactment of this Act in the Mt. Sopris Tree Nursery, which comprise well water and irrigation ditch rights adjudicated under the laws of the State of Colorado, together with the right to administer, maintain, access, and further develop such rights, shall be allocated and managed as follows:

(1) The United States shall convey to the Counties as undivided tenants in common all rights associated with the five existing wells on the properties.

(2) If the Secretary determines that water from the five existing wells is necessary to meet culinary, sanitary, or domestic uses of the existing buildings retained by the United States pursuant to section 3(a), the Counties shall make available to the United States, without charge, enough water to reasonably serve such needs and shall additionally, if requested by the United States, make every effort to cooperatively provide to the United States, without charge, commensurate with the Counties' own needs on tract A, water to serve reasonable culinary, sanitary, and domestic uses of any new buildings which the United States may construct on its retained lands in the future.

(3) All Federally owned irrigation ditch water rights shall be reserved by the United States.

(b) MODIFICATION OF ALLOCATION.—If the Secretary and the Counties determine the public interest will be better served thereby, they may agree to modify the precise water allocation made pursuant to this section or to enter into cooperative agreements (with or without reimbursement) to use, share, or otherwise administer such water rights and associated facilities as they determine appropriate.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) TIME REQUIREMENT FOR COMPLETING TRANSFER.—If the Counties make a timely offer, pursuant to section 2(a), the transfers of lands authorized and directed by this Act shall be completed no later than one year after the date of enactment of this Act.

(b) BOUNDARY MODIFICATIONS.—The Secretary and the Counties may mutually agree to make modifications of the final boundary between tracts A and B prior to completion of the exchange authorized by this Act if such modifications are determined to better serve mutual objectives than the precise boundaries as set forth in the maps referenced in this Act.

(c) TRACT A EASEMENT.—The transfer of tract A to the Counties shall be subject to the existing highway easement to the State of Colorado and to any other right, title, or interest of record.

(d) VALIDITY.—If any provision of this Act or the application thereof is held invalid, the remainder of the Act and application thereof, except for the precise provision held invalid, shall not be affected thereby.

(e) FOREST HEADQUARTERS AND ADMINISTRATIVE OFFICES.—The White River National Forest headquarters and administrative office in Glenwood Springs, Colorado, are hereby transferred from the jurisdiction of the United States General Services Administration to the jurisdiction of the Secretary who shall retain such facilities unless and until otherwise provided by subsequent Act of Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 341, the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 341 would provide for a land exchange between the United States and two counties in western Colorado.

The bill is similar to one passed by the House in the last Congress on which action was not completed prior to the sine die adjournment.

Under the exchange, the two counties would receive about 132 acres of land near the community of El Jebel, outside national forest boundaries, that were once used by the forest service as a tree nursery. In return, the counties would transfer to the United States about 1,300 acres of national forest inholdings, including some lands within existing wilderness areas.

The tree-farm lands are located in a part of the valley of the Roaring Fork River, between Aspen and Carbondale, where rapid development is taking place and from which many residents commute into Aspen to work. The counties want to use these lands for public recreation and similar public purposes.

Under the bill, the counties could not transfer the lands, and the lands would revert to the ownership of the National Government if used for any purpose that would significantly reduce their open-space character.

The forest service has reviewed the values of the lands involved, to assure that the National Government will receive fair value in the exchange, and has determined that the values are closely comparable.

The national forest inholdings that the United States would receive in the exchange were originally patented as mining claims—that is, under the mining law of 1872 they were acquired from the United States for a very low price. But the mining companies that held these lands did not pay the property taxes on them, and the counties acquired them at tax sales.

Recently, the ownership of the lands have been subject to some disputes. Claims have been filed in the State courts, alleging that the counties do not have good title.

To protect the national interest, the bill provides that any disputes about the title to these inholdings must be resolved in Federal court, and requires the counties to share equally in any litigation costs exceeding $240,000 for which the court does not order reimbursement to the National Government from the party contesting the title.

Furthermore, should there be a successful challenge to the title of any of the national forest inholdings, the counties would be required to reimburse the United States, in money or in other lands acceptable to the Secretary of Agriculture.

Madam Speaker, S. 341 is a good bill that will enable the local governments to make appropriate public use of open-space lands no longer needed by the National Government and also improve the management of very valuable national forest lands, including important wilderness areas. It is a sound measure that properly balances the interests of the National Government, the two Colorado counties, and all others concerned. I urge passage of the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 341 which would direct a land exchange of about 132 acres of Federal lands in Colorado for approximately 1,307 of inholdings owned by Eagle and Pitken Counties in Colorado.

This bill has been fully explained by Chairman VENTO. It is a commonsense bill that makes sense for both the Forest Service and Eagle and Pitken Counties. It is supported by the entire Colorado delegation and the administration.

Congressman SCOTT MCINNIS, who represents this area, has been actively involved in this legislation. In fact, he introduced H.R. 1199, which is the House companion to S. 341, and he is in full support of the Senate version.

I urge my colleagues to support S. 341.

Mr. MCINNIS. Madam Speaker, I urge my colleagues to approve S. 341, the Mount Sopris Tree Nursery Land Exchange which has been presented to the House today.

This legislation has passed the Senate three times, passed the House Natural Resources Committee and the House last Congress, and would have been law long ago had it not been for the timing of the congressional adjournment in October 1992. It has been my privilege to continue the efforts of Senator BEN NIGHTHORSE CAMPBELL, my predecessor as Representative from the Third District of Colorado, and to work with him this session, carrying forward the Senate-passed version through the House legislative process to completion today.

S. 341 is supported by the Forest Service, the administration, the Colorado congressional delegation, and numerous environmental organizations, business groups, and local government entities. We have all worked together for our constituents and the interests of Colorado, while seeking to preserve the integrity of the title and use of these beautiful areas.

Enacting this legislation will bring dozens of very sensitive wilderness inholdings into Forest Service ownership. Wilderness inholdings have caused many problems in our State, and particularly in my congressional district, so an opportunity such as presented by S. 341 to convey these inholdings into Federal ownership without controversy should not be passed up or delayed.

Since Pitkin and Eagle Counties have been seeking to acquire the Mount Sopris Tree Nursery lands for more than 5 years to devote them to public uses, the counties are anxious to begin using the lands for recreational facilities, a senior citizen meeting center, and other worthy purposes. When this legislation is passed today, use this summer may still be possible. Otherwise, other prime recreation seasons could pass before the public can use the land.

Madam Speaker, I would like to commend the commissioners of both Eagle and Pitkin Counties; the U.S. Forest Service; both the House and Senate Natural Resources Committees, notably House Natural Resources Committee Chairman MILLER and National Parks Subcommittee Chairman BRUCE VENTO for their longstanding cooperation and support for this legislation.

Madam Speaker, I urge the passage of the Mount Sopris Tree Nursery land exchange today.

Mr. HANSEN. Madam Speaker, I yield back the balance of my time.

Mr. VENTO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 341.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF TIMETABLE FOR OFFERING AMENDMENTS ON H.R. 4301, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995, AND H.R. 2108, BLACK LUNG BENEFITS RESTORATION ACT OF 1993

Mr. BEILENSON. Madam Speaker, I rise today to notify Members about the Rules Committee's plans for two measures: H.R. 4301, the fiscal year 1995 National Defense Authorization Act and H.R. 2108, the Black Lung Benefits Restoration Act of 1993.

It is my understanding, Mr. Speaker, that the Rules Committee plans to meet next week on both measures.

In order to provide for fair and timely consideration, the committee may grant rules on both measures that will structure the offering of amendments. Any Member who is contemplating an amendment to either measure should submit 55 copies of the amendment and one brief explanation by 12 noon on Monday, May 16. The committee offices are in room H–312 in the Capitol.

Mr. Speaker, Chairman MOAKLEY has sent two "Dear Colleague" letters to all offices explaining this procedure. We appreciate the cooperation of all Members.

PROVIDING FOR CONSIDERATION OF H.R. 2442, ECONOMIC DEVELOPMENT REAUTHORIZATION ACT OF 1994

Mr. BEILENSON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 420

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2442) to reauthorize appropriations under the Public Works and Economic Development Act of 1965, as amended, to revise administrative provisions of the Act to improve the authority of the Secretary of Commerce to administer grant programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed ninety minutes, with sixty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 2 of the report of the Committee on Rules, if offered by a Member designated in the report. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all

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time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 420 is the rule providing for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

This is an open rule. It provides 90 minutes of general debate time, 60 minutes of which is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. The remaining 30 minutes is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, the rule waives all points of order against consideration of the bill. We are unaware of any controversy surrounding the waivers.

Under the rule, an amendment in the nature of a substitute, printed in part 1 of the report accompanying the rule, is made in order as an original bill for the purposes of amendment. The substitute shall be considered as read.

Further, the rule provides that before consideration of any other amendment, it shall be in order to consider the Kanjorski amendment printed in part 2 of the report. The Kanjorski amendment deals with the marketing and commercial licensing of Federal developed technologies and processes, and establishes a Business Development and Technology Commercialization Corporation.

The rule waives all points of order against the amendments printed in the report.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, this rule and the bill itself represent the results of true bipartisan work and negotiations, as well as the cooperation of several committees. I commend everyone involved for making these efforts to bring a bill to the House which has been carefully considered and which is the product of majority and minority cooperation, as well as of collaboration among major committees.

Mr. Speaker, the rule provides for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994, which revises and extends the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

This reauthorization of these programs, which have been dependent on appropriations to keep them going since 1982, is long overdue. Now that we seem to have a consensus that believes certain agencies of the Government can help rebuild the economies of distressed communities by ensuring that Federal funds are used to leverage private investment, we have a good chance to have their reauthorization enacted.

Mr. Speaker, as a Member who represents an area that has been especially hard hit by the recession, by defense cutbacks, and more recently, by two major natural disasters—the fires of last fall and the January earthquake that destroyed so much of my district, including businesses there—I am especially pleased to see that the committees have shown a commitment to maintain a Federal presence to help such severely distressed communities. The EDA is to be commended for attempting to improve its role in helping communities adjust to these types of natural disasters, to base closures, and to defense cutbacks and for using its wide range of tools to help communities find new jobs.

GENERAL LEAVE

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on House Resolution 420.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule provides for consideration of H.R. 2442, the Economic Development and Reauthorization Act of 1994. This is a totally open rule, something we do not see on this floor very often. As a matter of fact, the extraneous material I just offered to the Chair points out that almost 80 percent of all rules that have come before this body this Congress have been closed or restrictive. So we are very grateful for the opportunity to have our traditional free and open debate.

However, there are several unusual features to this rule that Members should be aware of. First, the rule makes in order a compromise amendment in the nature of a substitute crafted by the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs. This compromise amendment, which is printed in the report of the Committee on Rules for this rule, will be considered as original text for the purpose of amendment on the floor.

Second, this rule allows for consideration of the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI], which adds a new title III to the bill, regarding business development assistance, prior to consideration of any other amendment.

Mr. Speaker, Members should be advised that amendments to the Kanjorski amendment will be taken up prior to consideration of titles I and II of the bill under the 5-minute rule. While I appreciate the open rule on this legislation, I cannot support the blanket waiver of points of order contained in this rule.

As I have pointed out in the past on numerous occasions, the Committee on Rules should specifically cite in each special rule reported which points of order under House rules are being waived and why. That is how we got ourselves into the sea of red ink we are in today—just waiving points of order, waiving the Budget Act. That is what we do when we waive all points of order—we waive the Budget Act.

This is an area that I sincerely hope the Committee on Rules can improve on in the future, and heaven knows, it needs improving.

In particular, Mr. Speaker, the gentleman from Pennsylvania [Mr. KANJORSKI] came before the Committee on Rules last week with a hotly debated amendment to, among other things, establish a new Business Development and Technology Commercialization Corporation outside the Government of the United States. This amendment required a germaneness waiver which the Committee on Rules provided.

I would just like to point out for the record that during the Committee on Rules consideration of another bill, just last week, H.R. 4296, which we all know is the assault weapons ban, the Committee on Rules majority, that is the Democrats on the other side of the aisle, refused to provide a germaneness waiver for the Republican amendment of the gentleman from Florida [Mr. MCCOLLUM] and refused even to make it in order. There was no "give it a waiver," no "allow it to be made in order." That amendment would have allowed debate on the other alternative to taking away the guns of law-abiding citizens. The alternative would have required, this is the other side of the coin now, would have required mandatory minimum sentences of criminals who commit crimes with guns. In other words, throw the book at these criminals, but do not take away the guns of law-abiding citizens.

We were denied that simply because the Rules Committee upstairs refused to even allow that to be debated on the floor. Is that not a shame?

Now, under this rule, the gentleman from Pennsylvania [Mr. KANJORSKI] is granted the opportunity to offer his amendment before any other amendment and is granted a germaneness waiver. I guess it pays to be a member of the Democrat Party. They certainly have special privileges.

Mr. Speaker, it is said that an elephant never forgets. I wish to notify my colleagues on the other side of the aisle that our side will be unlikely to forget this waiver. Hopefully, we can balance things out the next time we come back up to the Committee on Rules for another waiver.

Having said all that, I will reserve decision on how I am going to vote on this particular rule until we have heard from the gentleman from Pennsylvania [Mr. WALKER], whose committee was bypassed by that waiver. A little bit later on in this debate, I may have

some questions as to why the waiver was granted.

Mr. Speaker, I include for the RECORD the information to which I referred.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	62	13	21	49	79

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through May 5, 1994.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from California [Mr. MINETA], chairman of the full committee.

Mr. MINETA. Mr. Speaker, on behalf of the Committee on Public Works and Transporation, particularly Mr. SHUSTER, our full committee ranking member, Mr. WISE, chairman of our Subcommittee on Economic Development, and Ms. MOLINARI, the subcommittee's ranking member, I rise in strong support of House Resolution 420 which provides for consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

Mr. Speaker, House Resolution 420 provides for a process which is fair, responsible and responsive. It does so by providing for consideration of the bill under an open rule. Under the provisions of the resolution, no limitations are placed on amendments which may be offered. The rule protects the rights of every Member of the House—on both sides of the aisle. To those who advo-

cate and support open rules as the very essence of the legislative process, House Resolution 420 is such a rule. When the leadership of the Public Works Committee testified before the Rules Committee, we requested an open rule and House Resolution 420 honors that request.

In that regard, I want to commend Chairman MOAKLEY, the members of the Rules Committee, and the manager of the resolution, Congressman BEILENSON, for bringing forth the kind of rule which I believe deserves unanimous bipartisan support.

House Resolution 420 also makes in order a compromise substitute as the original text for purposes of amendment. The compromise substitute amendment reflects a bipartisan agreement of the Public Works Committee and the Committee on Banking, Finance and Urban Affairs to revise and extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 and reauthorize the programs of the Economic Development Administration and the Appalachian Regional Commission.

On that point, I would also like to take this opportunity to thank the many members of the Public Works and Banking Committees who have worked long and hard on this important legislation. Those members include Mr. WISE, Ms. MOLINARI, and Mr. SHUSTER of the Public Works Committee, Mr. KANJORSKI, chairman of the Subcommittee on Economic Growth and Credit Formation of the Banking Committee, Mr. RIDGE, the subcommittee's ranking member, Mr. GONZALEZ, the full committee chairman, and Mr. LEACH, the committee's ranking member. Together, these two committees have held more than a dozen hearings this Congress exploring ways to modify, improve, and update the programs of EDA and the ARC. Collectively, I believe these members have produced a product that is visionary, responsive, and constructive.

The compromise substitute reauthorizes EDA and ARC programs for 3 years through fiscal year 1996. There are two titles in it. Title I reauthorizes EDA programs at $322 million for fiscal year 1994 and at an estimated amount of $386 million for each of fiscal years 1995 and 1996. Moreover, like previous committee- and House-passed EDA reauthorization bills, the substitute revises EDA's eligibility criteria and requires applicants to develop an investment strategy. These reforms will better enable EDA to target truly distressed communities and ensure that the funds are used to leverage private investment.

Title II reauthorizes ARC programs at $249 million for fiscal year 1994 and at an estimated amount of $214 million for each of fiscal years 1995 and 1996. To date, the Appalachian Regional Commission has overseen the construction of more than 2,200 miles of the Appalachian Development Highway System. The highway system, together with the ARC's community development programs, help diversify the economy, attract new business, and improve the quality of life in Appalachia.

In each succeeding Congress since 1981, the Public Works Committee has reported a bill reauthorizing and revising the EDA and ARC programs and the House has passed these bills by overwhelming margins. Those bills did not become law because the two previous administrations opposed these programs. Now we have an opportunity to begin anew and I believe that H.R. 2442, and specifically the compromise substitute, incorporates the necessary principles which will serve as the basis for long-standing bipartisan support for this legislation.

First, the authorizations contained are at levels considerably reduced from the pre-1982 authorization levels because of the Committee's strong commitment to help reduce our Federal deficit and national debt.

Second, the committee is strongly committed to maintaining a Federal presence to help severely distressed communities. In doing so, the substitute revises EDA's eligibility criteria to target the limited Federal dollars to the most distressed communities of our Nation. This is a major program reform that is long overdue.

Finally, in order to be eligible for assistance under H.R. 2442, the applicant must submit an investment strategy outlining how a particular project fits into a community's development plan. The required investment strategy will outline how the applicant will leverage private sector monies to leverage the Federal investment, and will help ensure that EDA is funding the right kinds of projects.

Today, for a number of reasons, I believe that Congress is in the best position in years to enact meaningful legislation to authorize and improve the EDA and ARC programs. I believe that H.R. 2442 and the substitute provide Congress with a great opportunity to better enable the programs of the Economic Development Administration and Appalachian Regional Commission to contribute to the economic strength of our Nation.

Mr. Speaker, I urge support of House Resolution 420 to allow us to consider this important legislation in a fair and open process.

□ 1320

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in no way do I want to criticize the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA]. That is my old committee, and the gentleman from California does an excellent job on that committee. I admire and respect him for it, but I do have to question these waivers.

Before I yield to the next speaker, Mr. Speaker, I just would like to ask these questions and perhaps answer them myself, so people understand what these waivers are all about.

Mr. Speaker, question No. 1, why is a blanket waiver of points of order against consideration of the bill provided by this rule?

The answer is, the Committee on Public Works and Transportation included a CBO cost estimate in its report of the bill, House Report 103–423, part 1. However, the Banking Committee report, House Report 103–423, part 2, does not include a CBO cost estimate. Waivers of clause 2(l)(3)C of rule 11 requiring a CBO cost estimate and clause 7(a)1 of rule 13 requiring a committee cost estimate are needed because of the absence of any cost estimate in the Banking Committee's reported bill.

In other words, Mr. Speaker, we are not following the rules of the House, so we have to have these waivers.

Question No. 2. As the gentleman knows, the Committee on Public Works and Transportation and the Committee on Banking, Finance and Urban Affairs produced a compromise amendment in the nature of a substitute, which is printed in part 1 of the Rules Committee report. This amendment will serve as original text for the purpose of amendment under the 5-minute rule. Why does the rule reported by the Rules Committee waive all points of order against this compromise amendment?

A waiver of clause 7, rule 16 regarding germaneness is needed for the amendment in the nature of a substitute. This bill was introduced by request of the Clinton administration. The introduced bill was only an authorization for the EDA; Public Works and Banking added the ARC. Thus, the amendment in the nature of a substitute in not germane to the introduced bill.

Mr. Speaker, additionally, a waiver of clause 5(a) of rule 21 prohibiting appropriations on a legislative bill is needed because section 118(d) "Funds Transferred From Other Departments and Agencies" allows for the transfer of certain receipts without returning them to the Treasury and going back through the appropriations process, very, very confusing.

Question No. 3, the rule before us also allows for consideration of an amendment, prior to any other amendment, by Mr. KANJORSKI, printed in part 2 of the Rules Committee report, adding a new title III, called Business Development Assistance, to the base text. What points of order are waived by the rule against this amendment?

A waiver of clause 7, rule 16 is necessary; the amendment is not germane to the bill.

The amendment also needs a waiver of 5(a) of rule 21, prohibiting appropriations on a legislative bill. Section 304(d)(4) of the Kanjorski amendment allows the Business Development and Technology Commercialization Corporation, that is a long phrase, established under this new title to retain and use a percentage of any royalties without returning funds to the Treasury and going through the appropriations process, in other words, following the rules of the House.

□ 1330

Question: Would the gentleman agree that as a general principle the Committee on Rules could improve the deliberative process by citing specific House rules that are being waived by the special rules reported?

I would just say, the gentleman does not have to answer that question. It is the question of why we are concerned about blanket waivers, because I am sure that people who might be viewing this or even Members in their offices do not understand what I just said. It is the rules of the House we are concerned with and Members should know what these specific waivers are.

Mr. Speaker, I make this point not in real criticism but in hope that the next rules put out that specifically waive points of order will be such as we can look at and understand.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my very respected friend, the gentleman from California.

Mr. MINETA. As the gentleman will recall, the introduced bill by request only had the Economic Development Administration, but historically the Committee on Public Works and Transportation in dealing with the Economic Development Act always has with it the Appalachian Regional Commission, so to the extent we added ARC to the introduced bill, or to our bill, we had to get a technical waiver, the gentleman is absolutely correct on that.

Mr. Speaker, we did have a cost estimate as to title I and title II portion of the bill. The Committee on Public Works and Transportation really never asked for a general waiver nor is there a violation of the Budget Act in this provision or in the introduced bill or in the substitute that we have under consideration here.

Mr. Speaker, I just wanted to explain our committee's position on the relevant points that the gentleman brought up, and I hope the gentleman will accept the explanation for that.

Mr. SOLOMON. Mr. Speaker, the gentleman has certainly made a very cogent statement and he has made my case. The fact is that under this rule, no specific budget waiver is included. We are giving a blanket waiver but there is nothing in here that is going to waive the Budget Act specifically.

Mr. Speaker, Members are entitled to know that and that is why I say any rule we bring to this floor ought to cite the specific waivers so Members know what they are voting on.

Mr. BEILENSON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to one of the most respected members of our Committee on Rules, another gentleman from California. We are always overrun with Californians on this floor for some reason.

Mr. BEILENSON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I appreciate the explanation by Chairman MINETA for the reason for at least a couple of the waivers in there, but to the larger question our friend, the gentleman from New York poses, I think he makes a very valid point and this member at least of the Committee on Rules will join with the gentleman from New York in urging our committee in the future to be as specific as we possibly can in explaining the reasons for the various waivers, and in many cases as the gentleman understands, they are relatively technical in nature, in some instances as was explained by the gentleman from California [Mr. MINETA] for historical reasons in a sense we are including the ARC in with the EDA, was necessary for that purpose. In any case, I think it is a useful suggestion and perhaps we can work together on making it a reality.

Mr. SOLOMON. Mr. Speaker, the gentleman has made that argument in the Committee on Rules and I have commended him for it in the past.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER], the ranking member of the Committee on Science, Space, and Technology. The gentleman has returned to Washington even though there is an election primary going on in Pennsylvania today, and he wants to get back up there.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I just want to point out that one of the germaneness waivers in this rule has some major consequences to it, and I wish it had been more carefully considered.

Mr. Speaker, when we have an open rule, it is extremely important in many instances that we make certain that the committees of jurisdiction are properly protected. In the case of the Kanjorski amendment that will be offered under the waiver permitted in this rule, I think that is particularly important. This amendment is not germane to a public works bill. The bill that is going to be on the floor is a public works bill, but in this case what has happened is that the amendment slops over into the jurisdiction of the Committee on Science, Space, and Technology, because the amendment will deal with the subject of technology transfer, more particularly the Federal Technology Transfer Act, and this bill is going to drastically alter the Federal Technology Transfer Act.

Mr. Speaker, let me tell Members a few reasons why that is probably not a good thing for us to be doing with an amendment where germaneness was waived.

First of all, technology transfer in a centralized regime has been shown to be a failure time, after time, after time. When we centralize technology transfer, we get all the worst policies for this country. The Kanjorski amendment seeks to renege on what we have already decided to do in Federal technology transfer programs to decentralize the programs, it seeks to recentralize the programs and thereby it seems to me creates havoc in what we have been trying to achieve for some period of time in these programs.

Second, in the same area, the economic incentives that we are seeking to bring about in all of this come from individual laboratories and they promote economic development at the local level. What we have got here is now an attempt to renege on that and go back toward centralized kinds of control. It seems to me that makes no sense.

Mr. Speaker, let me tell Members where we have a real problem. As was mentioned in the remarks of the gentleman from New York [Mr. SOLOMON], the Committee on Banking, Finance and Urban Affairs portion of this does not have the cost estimate in it. So we are waiving germaneness and we are waiving the rules of the House with regard to the Committee on Banking, Finance and Urban Affairs' cost report. Guess why it may not have that. Because when the original Kanjorski bill on the subject matter addressed in this amendment was introduced, it had a $12 billion price tag to it. That was for fiscal years 1995–99.

Mr. Speaker, there are no cost figures given whatsoever for the amendment that is going to be before us. He has taken out some sections that were in the bill, but nevertheless we are sitting there with that bill that was originally introduced at $12 billion, we now have no cost estimates from the Committee on Banking, Finance and Urban Affairs, we have no costs in the amendment itself, we are already spending millions of dollars on the National Technology Transfer Center and the National Technical Information Service, millions are being spent already, and this is another add-on that we do not know the cost of.

Mr. Speaker, let us compare the $12 billion. This entire bill, the entire bill that is going to be before us is a $1.2 billion bill.

Mr. Speaker, if this thing stretches out to where the gentleman's original legislation was, this particular amendment could be 10 times the cost of the entire bill we have before us.

Mr. Speaker, it makes absolutely no sense to waive germaneness of the amendment and bring it to the floor in this kind of manner. This is exactly the kind of thing that ought to be brought before committees, it is exactly the kind of thing that ought to be brought to the floor in proper sequence, not with rules waived and not with germaneness waived on the House floor.

Mr. Speaker, let me make one final point. We are also doing this in violation of what the Clinton administration wants. The Clinton administration opposes this section (c) amendment.

Let me read a couple of things here that the Commerce Department has to say about this particular subtitle (c). The general counsel says that the administration would oppose subtitle (c) "because it creates a new corporation which would be empowered to act as patent licensing agent for Federal agencies. If it is intended that agencies be required to use the corporation's services, the provision is inconsistent with Federal law and policy, such as the Federal Technology Transfer Act, which encourages agencies to take an active part in managing and promoting their inventions. If the authority is merely permissive, it is difficult to see how the corporation could derive the revenues it needs to survive. We do support the principles of section 722, but believe that legislation would be premature at this time. The National Technical Information Service already makes much of this information available through catalogs and periodic alerts when an important invention is available for licensing. It also maintains a Patent Licensing Bulletin Board as a subsystem of FedWorld, its on-line gateway to bulletin boards and other information throughout the Government. Additional time is needed to develop and refine the system. At the present time, NTIS, which is self-supporting, would not be able to give the information products away for free and without limit as the section envisions. Accordingly, we recommend that subtitle (c) be deleted."

Mr. Speaker, what we have here is a germaneness waiver that goes against an administration policy, which in my view is bad policy when we begin centralizing tech transfer, and more importantly is done without cost estimates, and specifically the Committee on Banking, Finance and Urban Affairs refused to put the cost estimates into the report on the bill.

The Speaker, this is a bad, bad thing to do a germaneness waiver on, and for that reason I am very disappointed in what would typically be a good idea, an open rule, but an open rule that waives germaneness for this kind of an amendment seems to me does all the wrong things.

Mr. BEILENSON. Mr. Speaker, before I yield to our friend, the gentleman from Pennsylvania [Mr. KANJORSKI], I yield myself such time as I may consume.

Let me respond briefly, if I may, to the gentleman from Pennsylvania [Mr. WALKER]. Let me say to the gentleman from Pennsylvania [Mr. WALKER] that he made some very valid points, some of which were not, quite frankly, as our mutual friend, the gentleman from New York [Mr. SOLOMON], will attest, were not made to us at the meeting of the Committee on Rules. So some of this is sort of first time.

We have heard some of these things, but I accept them. I understand what the gentleman is saying. I listened carefully to what the gentleman was saying, so I think your comments were extremely useful and will be useful to us in the future.

I do want to respond, at least partially, to this extent at least, to let Members know that the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI] was, in fact, to which we gave this germaneness waiver, was a part of the original bill as reported by the Banking Committee. It did, although as I understand it now, it may well be that the gentleman from Pennsylvania [Mr. WALKER] was not included in these conversations, if that is the case, I wish the Committee on Rules had been advised of this earlier; that we did have the approval, that the Committee on Rules did have the approval, of the relevant involved committees of jurisdiction before we granted this particular waiver.

I think the gentleman from Pennsylvania [Mr. KANJORSKI] and members of his committee believe they are put at a disadvantage, because they think his amendment should be part of the original base bill instead of having to come in as a separate amendment.

I just wanted to explain this history that this was with the consent of the relevant committees and we made it in order.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, the gentleman makes an important point. It is my understanding, for instance, that the chairman of the Committee on Energy and Commerce sent a letter to the Committee on Rules specifically asking that the germaneness waiver not be granted and, you know, in the case of the Science Committee, it is true that the majority did agree to waive it. I did not, however, and really did not find out about the fact that this was moving through until after the committee had already said to go ahead on it.

I think that is bad policy. But that is a problem within our committee, not with you. In reference to the Committee on Energy and Commerce, I think you did have a letter from the Energy and Commerce chairman asking you not to grant the waiver.

Mr. BEILENSON. The gentleman is correct. At first we did in fact have that, and I was suggesting earlier, our mutual friend, the gentleman from New York [Mr. SOLOMON], will attest to the fact that during the hearing that representation in fact was made by the chairman of that committee. But subsequent to that time, at the request of the gentleman from Massachusetts [Mr. MOAKLEY], the various parties involved, perhaps not all, perhaps not the gentleman himself had the opportunity, was notified in a proper fashion, in a timely fashion, but the other people involved including the chairman to whom the gentleman from Pennsylvania alludes, in fact, did get together and did consent to this particular way of bringing the measure to the floor and bringing the amendment offered by the gentleman from Pennsylvania [Mr. KANJORSKI] in as a separate measure.

There was apparent approval of everyone to whom the Committee on Rules spoke, a method which we are offering on the floor today.

Mr. WALKER. If the gentleman will yield further, the problem is, there is some concern about the process here, because there was an attempt to assure that the minority, I think, was included, but when my objections arose on my behalf, and I think the gentleman from Pennsylvania [Mr. SHUSTER] also was concerned about this, that seems to have been ignored in the process, and we moved forward without the minority being given due course.

Mr. BEILENSON. If I may reclaim my time, the gentleman makes a valid point except to say, in fairness, I think the members of the Committee on Rules were not aware of the gentleman's problem or, in fact, that the proper gentlemen were not spoken to with respect to the minority's position.

Mr. WALKER. If the gentleman will yield, just so you know, it was my impression, given some discussions I had on it, was that if the gentleman from Pennsylvania [Mr. SHUSTER] and I had not said that we were not going to sign off on this, that it was not to be brought forward, so I ended up somewhat surprised when I found out the whole thing was rolling ahead despite the fact the gentleman from Pennsylvania [Mr. SHUSTER] and I had not agreed to the process.

I thank the gentleman for his explanation.

Mr. BEILENSON. Not at all, and I appreciate, as I said earlier, the gentleman's remarks that were most helpful.

I want to respond to one more just so the Members will not be too terribly concerned about this either. The gentleman alluded to the fact the Kanjorski amendment or Kanjorski bill, as originally introduced, had something like a potential $12 billion cost. This gentleman is informed and does, in fact, believe that the amendment

which was made in order and for which germaneness was waived does not involve any substantial cost whatsoever and it was on that basis, of course, that we granted this waiver which we thought under the circumstances was, therefore, relatively a technical one.

Mr. WALKER. If the gentleman will yield further, the problem is the reason why it does not have any cost on it is it is based on a royalty system which they claim repays all of this. The problem is with the royalty-based system, you have now waived the rules of the House in order to make the royalty system not subject to the appropriations process, whereas rules before have always said that the royalty-based system had to be subject to appropriations.

The only way you are establishing that is by doing an end run around another major process of the House.

Mr. BEILENSON. I thank the gentleman again for his comments. They have, in fact, been useful, and this gentleman hopes they will be attended to in the future.

Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to respond to some extent to my colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER would make the argument that this is a form of centralization. I would say that it is quite the contrary. It is an attempt to decentralize something that has been centralized.

He would suggest in the second argument that the original bill contained an expenditure of $12 billion. That is absolutely correct. However, the original bill covered the closing of the transfer price loophole which would have raised $24 billion for the U.S. Treasury, 12 of which would have been committed to create jobs for Americans and the other $12 billion would have been used and should be used to reduce the deficit.

I find it strange that my conservative colleague from Pennsylvania neglects to tell his colleagues that, in fact, that portion, the fourth leg of the original bill, would have expended $12 billion to create millions of jobs for average Americans, good-paying jobs, and would have brought in $24 billion, $12 of which would have gone to the reduction of the deficit.

On the germaneness question that he raises, the reason there is a germaneness question is that the Banking Committee cooperated with the Committee on Public Works and Transportation, and at their request took this out of the original text of the bill that it was in originally and set it out as an amendment in a separate item so that it can be handled in the future for purposes of committee jurisdiction as a separate title to the bill.

I think what we are arguing here is something very important. Let me say that it would seem to me that the argument of my friend, the gentleman from Pennsylvania, would be that this suddenly fell from heaven as an idea. I wanted to assure my colleagues of the House that this is not true.

As the gentleman from Wisconsin [Mr. ROTH], a member of the subcommittee, knows, who helped fashion this and as an original cosponsor of the bill, we worked on this bill and now this amendment for well over 18 months. We have had thousands of pages of testimony and eight full congressional hearings on this subject, some here in Washington and some around the country. We have had the advice of some of the best experts in the country, both in technology, in law and some of the people that deal with technologies, and on the investment in technologies.

Let my tell my colleagues some of the facts that we heard that are astounding. The astounding facts are the U.S. Government spends about $80 billion a year on research and development, and we do have some developed mechanisms within the Federal system to put this technology out into the marketplace, but they have not been terribly successful. One of those agencies testified that over the last 5 years they have been very successful in putting out 314 technologies, 314 technologies licensed to the private sector in 5 years for a grand total of revenue of $36 million to the Federal Treasury.

Now, if you break that down on a 5-year portion, that is about $7 million a year that came into the U.S. Treasury, and the U.S. Government has been spending $80 billion a year in research and development.

Now, I am not the best businessman in the world, but I know the gentleman from Pennsylvania is known to represent the interests of business, and I would suggest that a $7 million return to the U.S. Government on an $80 billion investment on a yearly basis does not smack of the best of business in the world. As a matter of fact, may I say to my colleagues on the Republican side, this bill is about as close as you are ever going to get to putting the American Government in the hands of the private sector to handle what the private sector can do best.

This is hardly what you would call a Government-involvement bill. This is a bill to attempt to take what has been and is considered a valuable inventory of assets owned by the American people and paid for by the American people that has not properly been commercialized and marketed, and taking the process of the American marketing ability and the private sector and to use that process to avail American small business, medium-sized business, and entrepreneurs to getting American-paid-for technology so that they can individually commercialize that technology.

□ 1350

I would say this is about as close as we can come to what I would consider my friends on the other side should be offering. As a matter of fact, let me say and assure you that this is a bipartisan bill.

The Members who served on the subcommittee I am proud to chair of the Committee on Banking, Finance and Urban Affairs came out of the banking subcommittee on a unanimous voice vote. We did not have objection. We have sponsors in the bill who are very bipartisan in nature. As a matter of fact, one of my closest colleagues in the House, and friend and fellow Republican from Pennsylvania, Mr. TOM RIDGE, is standing for the governorship of Pennsylvania right in this very election. I am proud to say that TOM RIDGE was a cosponsor and a codeveloper of this concept in the bill. TOM believes, as I do, that this does not believe or belong to have partisan markings to it. This truly is an American bill. This is an attempt to take American paid for technology and to find a way for average Americans, small businessmen, medium-size businessmen and entrepreneurs, to have the same shot at advanced American technology as the very large corporations in America have today, but most of all what very large corporations in Japan and around the world have today.

What we found in our testimony is that there is one agency, one country in this town that has more than 21 experts who do nothing else but every day study the technology reserves of the U.S. inventory and then they are the largest purchasers of licenses and rights to that technology, to be taken home to their homeland, developed into products with some of our natural resources and then sent back as a finished product into the American market and then sold.

All we are asking for is the opportunity for the average American to see it. Now, how do we intend to do that? The bill is not that complicated. It says that Americans should be able to know what is in the inventory, what kind of research and development over the last 20 years, when we financed 1.5 million research and development projects, what did they do, what did they find, what are they capable of being commercialized for?

I challenge my friends who challenge this bill and I challenge the gentleman from Pennsylvania [Mr. WALKER] to walk through the system of buying Federal technology and find out how expensive and how difficult it is. If you are a private individual in Pennsylvania and you wanted to go into business

and use American technology, you had better be prepared to spend a couple of years and a couple of million dollars before you are ever going to get title or license to that property. Instead of that happening, what we suggest is the creation of a database so that all of the technology will be readily retrievable by a PC and a modem in every American home and business in the United States. It will be cross-indexed, cross-referenced, not only so it can be purchased but so that we do not have duplication of efforts in scientific laboratories and schools and laboratories all over the country.

Let me tell you a story that really made me move this bill through. For the last 20 years of my life I followed the process of enzyme use in new processes in the United States, 20 years ago or longer, the process to take waste-paper and dissolve it into glucose and then put it through bacteria and make ethanol in a simultaneous atmosphere was discovered by the Gulf Oil Co. and the Nissan Mining Co. of America, way back in the early 1970's. It was the mutation of an enzyme from the Nagasaki sewer system that these two great corporations spent a great deal of research and development and finally developed the wherewithal where we could take waste cellulose, which makes up more than half of every ton of municipal waste, and converted into a fuel product for automobiles, at a reasonable cost. That process has been carried on until most recently a famous American university has brought it down to a cost where they can take that waste-paper, put an enzyme to it and convert it to ethanol at a cost of less than 75 cents a gallon; almost or it is a commerciable product. It is not yet in commercial stages, but it is working toward it within the next year or two.

In discussing it with some of the scientists who are working on this, it became clear to me that the biggest problem here is the cost of the enzyme, which represents almost half the cost of the production of that fuel.

When we looked around the country to see who was doing enzyme research, I was amazed to find that one of the most talented individuals who could solve the problem of the cost of that enzyme existed at the same university not far from the very laboratory where this process is being made. But there was no way in the Federal system to make sure that these people knew that they were commonly working on a similar problem.

What we are attempting to do with this universal database of inventory of research and development is make it possible within the next year that businessmen, entrepreneurs and researchers throughout this country could cross-reference and find out what their colleagues in the past have done. Then we are going to take that database and make it available to good old American marketing techniques through a private corporation which is charged with marketing this research and development and selling it to the American market. And we hope they can do it by television, something similar to the Discovery Channel, where Americans of all shades of life can watch technologies owned by the Government are put out on this network.

Finally, a single one-stop shopping for the technology, a quick action rather than 2 years and $2 million, make it a lot shorter and a lot cheaper so American businessmen, small and medium and large, American entrepreneurs could have an opportunity to develop jobs by taking American technology and putting it to work.

I think it is probably, if anything, on a partisan basis as Republican as you can get in this House. I think we can stand in the Banking Committee on the side of the fact that we spent more than a year's time, extended study, and have the evidence to support the passage of this amendment which is attached to this bill under the rule. All the gracious considerations that we have been given by the Committee on Rules to accomplish this tomorrow with this bill when it is brought up for final passage will only afford not only the Banking Committee but finally the American people to share in the wealth and the genius of research and development that American taxpayers' money have been spent on for too long without bringing that to commercialization.

Mr. Speaker, I rise in support of the rule for the consideration of H.R. 2442, the Economic Development Reauthorization Act of 1994.

I would like to thank the members of the Rules Committee for ensuring, under the rules, that a key part of H.R. 2442, as reported from the Committee on Banking, Finance and Urban Affairs, is allowed to be considered by the full membership of the House of Representatives.

Specifically, the rule makes in order, as the first amendment for consideration during debate on the bill, an amendment I will offer to utilize the fruits of this Nation's research as an engine for creating significant numbers of new jobs in private sector businesses.

Under the version of H.R. 2442, which was unanimously reported from the Banking Committee, with strong bipartisan support, a new subtitle 7(C) was included to enhance the ability of U.S. small: and medium-sized businesses to obtain information and licenses on technologies and process developed through Federal R&D. By making it easier for small- and medium-sized businesses to commercialize these these technologies, tens of thousands of new jobs will be created which offer good wages and real opportunities for advancement to working men and women across this country. In the final analysis, I believe that this is what economic development is all about.

Under the rule before us now, I will offer a modified version of these provisions from the Banking Committee's version of H.R. 2442 as an amendment to create a new title III to the bill.

I am pleased to inform the Members that the language of the amendment I will offer was developed in collaboration with both the Committee on Science, Space, and Technology and the Committee on Energy and Commerce. Neither committee is opposing the amendment in the form in which it will be offered. Similarly, it is my understanding that Public Works Committee Chairman MINETA, and Subcommittee Chairman WISE, both intend to vote for the amendment.

Mr. Speaker, despite the enormous potential for job creation under the amendment, the amendment has been the focus of some misunderstanding. In our revisions, developed with the assistance of the Science Committee and the Energy and Commerce Committee, we have corrected some of the causes of these misunderstandings. Nevertheless, I would like to take a minute, to outline what the amendment does, and just as importantly, what it does not do.

The amendment does not change current law; it supplements current law. Today, Federal agencies and labs are charged with the responsibility of attempting to transfer technologies they develop to private sector commercial application. Increasingly, some Federal laboratories are entering into cooperative research and development agreements [CRADA's] as part of their efforts to achieve technology transfer. These efforts are not changed under the amendment.

Today, universities which develop technologies and patentable inventions, during the course of Federally funded research, have the right to file patents, issue licenses, and receive royalties from the private sector commercialization of the technologies and patents. This does not change under the amendment.

Today, through the activities of Federal agencies, labs, and universities, initial efforts at technology transfer are decentralized and diffused. This does not change under the amendment.

Under the amendment, all rights and responsibilities of Federal agencies, labs, and universities are protected and preserved.

What the amendment does provide for is, first, the creation, by the Secretary of Commerce, of a comprehensive, integrated data base of all technologies, processes, and other proprietary rights to which the Federal Government has an interest. Currently, there is a great deal of effort underway to improve and expand data bases within the Department of Commerce. The language of the amendment will support and assist the Secretary in moving forward with these efforts.

Second, the amendment provides for several studies on the effectiveness of the Federal Government's overall technology transfer efforts and methods to enhance those efforts. If, after the completion of those studies, the President determines that it would not impair the operation of Federal policies and programs relating to technology utilization and commercialization, the President will establish a Business Development and Technology Commercialization Corporation. Following its creation, the President will provide for its conversion to private ownership.

The Corporation will be charged with undertaking an aggressive, multifaceted marketing

effort to increase awareness by U.S. small- and medium-sized businesses of the availability of licenses to commercialize Federally held technologies. Working in conjunction Federal agencies, laboratories, and universities, the Corporation may also assist in the actual licensing of these technologies to U.S. businesses. In our view, the services of the Corporation represent an important opportunity to assist Federal agencies, laboratories, and universities in carrying out their technology transfer responsibilities. Under the language of the amendment, however, Federal agencies, laboratories, and universities are not required to utilize the services of the Corporation.

Third, the amendment authorizes the Corporation to serve as a clearinghouse of information for U.S. businesses on finance assistance which may be available through other Federal programs, through State or local governments, or through the private sector.

The driving principle throughout the amendment is the need to make it easier for U.S. businesses to have access to technologies developed through Federal funding. Today, only very large businesses and foreign interests have the resources to effectively learn of and pursue rights to these technologies. The amendment recognizes that small- and medium-sized businesses are the major job creating entities in this economy and that it is imperative that we make it easier for these businesses to have access to these new technologies.

Mr. Speaker, as important as improved job training and welfare reform are, we will achieve only partial success on those fronts if we do not simultaneously take meaningful steps to encourage the development of thousands of new small businesses throughout this country to create tens of thousands of new jobs, at good wages, with real futures. That is what this amendment is all about. As such, I thank the members of the Rules Committee for making the amendment in order during the debate on H.R. 2442, and I urge the adoption of the rule and the amendment.

Mr. BEILENSON. Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I just want to thank the gentleman from Pennsylvania [Mr. KANJORSKI] for his kind and very bipartisan good wishes for TOM RIDGE in his bid to become Governor of Pennsylvania. We wish him all the success in the world.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding to me. I am delighted to have a chance to speak on this rule. I know our Banking Committee has some time, but in the interest of everyone's time, I thought I would speak at this time, I say to the gentleman from New York.

Mr. Speaker, I urge adoption of the rule, House Resolution 420, for consideration of the bill, H.R. 2442, the Economic Development Administration Reauthorization Act. We have worked long and hard on this piece of legislation, and I think that people, especially in business, and people who are looking for good-paying jobs, are going to applaud this legislation.

This is an open rule. I compliment my friend from New York for getting this open rule. It does not happen often.

It is noncontroversial from the minority point of view. No legislation is perfect, and this bill is not perfect. But it is a good bill, and I will be stating the reservations I may have when we argue this particular bill and not the rule on the floor.

The rule's provision for considering an amendment in the nature of a substitute provides for immediate consideration of the Kanjorski amendment. The Kanjorski amendment providing for high-tech transfer corporation consists of major provisions of H.R. 3550, legislation of which I am an original cosponsor. Without the Kanjorski amendment, bipartisan support for the substitute bill would be greatly weakened.

This proposal is designed to create new, good-paying, high-tech private sector jobs without any major new Government outlays. This initiative is designed to expedite businesses' utilization of hundreds of billions of dollars of research and development for work paid by the Federal Government—that is, our taxpayers—over the past several decades.

□ 1400

For years and years the taxpayers have paid for research and development, but no one has really utilized it. This gives us a chance for our companies, our workers, the people that are working to build up our economy, to have this opportunity.

A clearinghouse of information about federally funded new technologies would be created, and that is precisely what we have been hearing in our Committee on Banking, Finance and Urban Affairs, and the Committee on Small Business, and the Committee on Foreign Affairs, where we deal with economic policy and trade. People are saying, "Where can we go to in the Federal Government to find these new discoveries? Where can we find these discoveries that can help us, the new breakthroughs?" And this is going to help us.

Mr. Speaker, a government chartered corporation, funded by a stock sale, a stock sale, would operate as a one stop shopping place for businesses. We cannot expect our American businesses to come and search all over the country, all over Washington, pay huge fees to various companies so they can find out what is available. I think that this clearinghouse is going to be a real blessing, a real boon to our businesses and to the people who are looking for good-paying jobs.

Unless burdened by unacceptable floor amendments, Mr. Speaker, the bill will have significant bipartisan support I predict. I intend to support this legislation, if the House approves it substantially as reported and with the Kanjorski amendment to the substitute.

So, I urge my colleagues to vote for this constructive rule and to vote for this job creating initiative, and I want to thank the gentleman from New York [Mr. SOLOMON], my friend, for giving me this time today, and I want to compliment all the Committee on Rules members for obtaining an open rule. I think that is a real feather in their cap, and I want to say we all appreciate that work.

Mr. SOLOMON. Mr. Speaker, I thank my friend, the gentleman from Green Bay, WI [Mr. ROTH].

Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, to repeat, and as the gentleman from Wisconsin said, this is an open rule, and I urge my colleagues to approve it.

Mr. WISE. Mr. Speaker, I rise in strong support of House Resolution 420 which provides for consideration of a substitute amendment to H.R. 2442, the Economic Development Reauthorization Act of 1994.

House Resolution 420 provides for consideration of this substitute amendment under an open rule. Under the provisions of the resolution, no limitations are placed on amendments which may be offered. When the leadership of the Public Works Committee testified before the Rules Committee, we requested an open rule and House Resolution 420 honors that request. I want to take this opportunity to thank Chairman MOAKLEY, the members of the Rules Committee, and the manager of the resolution, Congressman BEILENSON, for bringing forth a rule which deserves unanimous support from both sides of the aisle.

House Resolution 420 provides for a compromise substitute amendment to be in order as the original text for purposes of amendment. The compromise substitute amendment reflects a bipartisan agreement of the Public Works Committee and the Committee on Banking, Finance and Urban Affairs to revise and extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 and reauthorize the programs of the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC].

Mr. Speaker, many of us have waited 12 long years to have the chance to be here today. This is the first time since 1982 that we actually have a realistic chance to reauthorize the Economic Development Administration and the Appalachian Regional Commission.

I join with my good friend and Chairman NORM MINETA in supporting adoption of House Resolution 420. The Committee on Public Works and Transportation ordered the EDA and ARC reauthorization bill reported last November by a unanimous vote. We worked very closely with our colleagues Congressman BUD SHUSTER and Congresswoman SUSAN MOLINARI, who are ranking members of the full committee and Economic Development Subcommittee respectively, to craft a bill which has bipartisan support in our committee. We

achieved this goal, and we have been working together ever since to make sure that this spirit of cooperation remains. I want to say that we would not be here today if it were not for the cooperative working relationship enjoyed between the majority and minority on the Public Works Committee.

H.R. 2442 was sequentially referred to the Committee on Banking, Finance and Urban Affairs and to its Subcommittee on Economic Growth and Credit Formation. I would like to compliment my friend and colleague, Congressman PAUL KANJORSKI, chairman of the Economic Growth Subcommittee, for his cooperation in the past weeks to reach a compromise. Since the Banking Committee reported H.R. 2442 on April 26, 1994, the Public Works and Banking Committees have been working together to achieve a product which we all can agree upon, and I believe that both sides have gained from the effort. The final product is the compromise substitute amendment; it is a good amendment and I believe that it will be broadly supported. Again, I want to compliment Chairman GONZALEZ and Congressman KANJORSKI on the way they approached these ultimately successful negotiations, and wish to also note the support provided by Congressman LEACH and Congressman RIDGE on the minority side of the Banking Committee.

The substitute amendment to H.R. 2442 authorizes the Economic Development Administration and the Appalachian Regional Commission for a period of 3 years through fiscal year 1996. Title I of the substitute amends existing provisions of the Public Works and Economic Development Act of 1965 [PWEDA]. This approach differs from previous EDA reauthorization bills which struck existing titles of PWEDA and rewrote the legislation. Title II authorizes funds for ARC programs and amends the Appalachian Regional Development Act of 1965. It includes provisions which are similar to previous ARC reauthorization bills.

Several of the provisions contained in the substitute amendment address criticisms of the administration of these programs and include recommendations made by witnesses at hearings conducted by our committee on the legislation. During these hearings, representatives of numerous organizations, development districts, and local, regional, and State governments from both urban and rural areas have pointed out that many areas of the Nation continue to need the economic assistance provided by the EDA and ARC programs. Among the most often mentioned recommendations for the programs were multiyear funding at higher levels and expediting a simplified applications process, particularly for EDA Programs.

The authorization for fiscal year 1994 mirrors the already enacted appropriation of $322 million for EDA Programs. For each of fiscal years 1995 and 1996, the substitute authorizes an estimated amount of $386 million for EDA Programs. The substitute amendment authorizes $249 million for fiscal year 1994 and an estimated $214 million per year for fiscal years 1995 and 1996 for ARC Programs.

As we have moved the Economic Development Reauthorization Act through the legislative process, Secretary of Commerce Ron Brown and Appalachian Regional Commission Federal Cochairman Jesse White have been very helpful to the committee. For instance, Secretary Brown has indicated that EDA will be a cornerstone for areas hit by military base closures and the loss of military contracts. EDA officials have testified that they are already heavily involved in assisting communities affected by defense spending cuts as well as areas severely impacted by natural disasters such as Hurricanes Andrew and Iniki, Typhoon Omar, the severe storms of Kansas, the Midwest floods, and the recent earthquake in southern California.

Mr. Speaker, we have an opportunity to take both the EDA and the ARC into modern times. Much has changed in our country since both were last authorized in the early 1980's, and the programmatic changes contained in the substitute amendment will go a long way toward modernizing the way both do business.

Mr. Speaker, I urge support of House Resolution 420 to allow us to consider this important legislation in a fair and open process.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON FISCAL YEAR 1993 ACHIEVEMENTS IN AERONAUTICS AND SPACE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SCOTT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1993, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government, as this report reflects, and the results of their ongoing research and development affect the Nation as a whole in a variety of ways.

Fiscal year 1993 brought numerous important changes and developments in U.S. aeronautics and space efforts. It included 7 Space Shuttle missions, 14 Government launches of Expendable Launch Vehicles [ELVs], and 4 commercial launches from Government facilities. Highlights of the Shuttle missions included the first in a series of flights of the U.S. Microgravity Payload that contained scientific and materials-processing experiments to be carried out in an environment of reduced gravity; the deployment of the Laser Geodynamic Satellite (a joint venture between the United States and Italy); the deployment of a Tracking and Data Relay Satellite; and, the second Atmospheric Laboratory for Applications and Science mission to study the composition of the Earth's atmosphere, ozone layer, and elements thought to be the cause of ozone depletion. The ELV missions carried a variety of payloads ranging from Global Positioning System satellites to those with classified missions.

I also requested that a redesign of the Space Station be undertaken to reduce costs while retaining science-user capability and maintaining the program's international commitments. To this end, the new Space Station is based on a modular concept and will be built in stages. However, the new design draws heavily on the previous Space Station Freedom investment by incorporating most of its hardware and systems. Also, ways are being studied to increase the Russian participation in the Space Station.

The United States and Russia signed a Space Cooperation Agreement that called for a Russian cosmonaut to participate in a U.S. Space Shuttle mission and for the Space Shuttle to make at least one rendezvous with the Mir. On September 2, 1993, Vice President Albert Gore, Jr., and Russian Prime Minister Victor Chernomyrdin signed a series of joint statements on cooperation in space, environmental observations/space science, commercial space launches, missile export controls, and aeronautical science.

In aeronautics, efforts included the development of new technologies to improve performance, reduce costs, increase safety, and reduce engine noise. For example, engineers have been working to produce a new generation of environmentally compatible, economic aircraft that will lay the technological foundation for a next generation of aircraft that are superior to the products of other nations. Progress also continued on programs to increase airport capacity while at the same time improving flight safety.

In the Earth sciences, a variety of programs across several agencies sought better understanding of global change and enhancement of the environment. While scientists discovered in late 1992 and early 1993, for instance, that global levels of protective ozone reached the lowest concentrations ever observed, they also could foresee an end to the decline in the ozone layer. Reduced use of ozone-destroying chlorofluorocarbons would allow ozone quantities to increase again about the year 2000 and gradually return to "normal."

Thus, fiscal year 1993 was a successful one for the U.S. aeronautics and space programs. Efforts in both areas have contributed to advancing the Na-

tion's scientific and technical knowledge and furthering an improved quality of life on Earth through greater knowledge, a more competitive economy, and a healthier environment.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1994.*

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 28th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1992.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1994.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE FOOD FOR PEACE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member rises today, and will speak again on May 12, in a two-part tribute to, and discussion of, one of the outstanding programs of the U.S. Government, which has literally saved the lives of millions and millions of people around the world during the last four decades. That program is the Food for Peace Program, also called the Public Law 480 program after the public law that created the program 40 years ago. Today my remarks will focus on the history of the Public Law 480 program. My remarks later this week will focus on the current challenges facing Public Law 480 program in responding to food security needs worldwide.

On the morning of May 4, 1994, there was a gathering here on Capitol Hill of several hundred people from around the United States to recognize the 40th anniversary of the Public Law 480 program. The several hundred people in attendance included representatives from farming, food processing, transportation, and relief organizations like CARE and Catholic Relief Services from all over the country. Members of Congress and officials from the Department of Agriculture and the U.S. Agency for International Development also spoke of the many contributions of the program over the years. Many commented that this program embodies the heart of America at its best, reaching out with concrete generosity to those most in need. Mr. C. Payne Lucas, executive director of Africare, said that just as Public Law 480 was instrumental in limiting the appeal of communism in poor countries, so it continues to be needed today to preserve the fragile democracies that are emerging. This Member was reminded that Mr. James Grant, executive director of UNICEF, once defined democracy as "elections, followed by dinner."

In these remarks today this Member will briefly recap some of the changes in the food aid program over the years, and, in the second set of remarks later this week, point out some of the serious challenges faced by the Food for Peace Program today.

The Agricultural Trade Development and Assistance Act of 1954, was signed into law by President Dwight Eisenhower on July 10, 1954. Since 1955, it has provided about 48 billion dollars' worth of food to countries with food shortages. The program is reevaluated and redesigned every 4 to 5 years as part of the general farm bill legislation that authorizes most food and agricultural programs. The last farm bill was in 1990; the next one will be in 1995. Funding for food aid is provided annually as part of the agriculture appropriations bill. In fiscal year 1994, the Public Law 480 program is funded at a level of $1.6 billion, most of which is spent to buy commodities in the United States for donation or sale in poor countries and to pay for transportation services.

During the early years of the program, the Public Law 480 program helped dispose of surplus commodities and increase U.S. agricultural exports as its primary objectives. Concerns that careless dumping could disrupt local agricultural production and marketing led to redesign of the program. By the mid-1960's the focus of the program was changed by Congress to emphasize economic development and foreign policy objectives, including emergency relief and combating communism in the Third World. Commodities used in the P.L. 480 program were no longer required to be in surplus, but could be bought for use in meeting emergencies and development needs in the Third World.

In the early 1970's the world food situation deteriorated sharply because of poor weather conditions and other market factors. World food stocks diminished and commodity prices rose sharply, threatening many people in poor, food-importing countries with famine. The World Food Conference in 1974 was a gathering of delegates from 130 nations in response to this emergency situation. The world community pledged to boost food production, particularly in poor and food deficit nations, and to establish a world target of 10 million tons of food assistance available each year. The U.S. food aid program has continued to be the largest national effort toward this global commitment, accounting for a very substantial share of worldwide food aid contributions since then. Then Public Law 480 legislation throughout the 1970's reflected a continuing focus on advancing the development of needy countries by reducing poverty and helping to meet the basic needs of their people. Private voluntary organizations like CARE and Catholic Relief Services came to play a predominant role in the management and distribution of donated food. Also, under the special food for development program, very poor countries could negotiate forgiveness of U.S. food aid loans if they undertook acceptable development reforms to improve food security and rural development.

In the 1980's U.S. food aid played a major role in meeting the humanitarian needs of the famine in Africa in 1984–85. In 1985 an additional new food aid distribution channel called Food for Progress was created to allow grants of food aid to countries committed to introducing free market agricultural reforms. Rules governing CCC-owned surplus stocks were also broadened under section 416 to allow foreign donations of all CCC-held edible commodities as a supplement to the Public Law 480 program.

Today, as the result of the latest changes in the Food for Peace program in 1990 farm bill legislation, Public Law 480 food aid is focused on improving food security in countries with significant levels of malnutrition, chronic food shortages, and high infant mortality rates. Food aid can no longer be used as a political reward for foreign countries, without regard for their degree of need or their potential as commercial markets for the U.S. emergency food aid is donated to provide immediate assistance during famines and man-made disasters. Developmental food aid meets current food deficit needs and requires that any local currency proceeds from sales of the donated food in local markets be reinvested in projects to improve the long-term food security, health, and productivity of poor and undernourished people. There also continues to be a food aid credit program for food-deficit countries that need concessional financing terms and have potential to become commercial markets for U.S. commodities.

Over the years food assistance has decreased in absolute terms and as a percentage of total U.S. exports. In the 1950's and early 1960's, total U.S. grain

exports ranged between 10 and 30 million tons a year, and more than 50 percent of grain exports were shipped under the Public Law 480 program. In the late 1980's and 1990's, total U.S. grain exports have ranged between 80 and 100 million tons a year, representing a dramatic increase in commercial sales, and food aid has accounted for only about 7 percent of total grain exports and 2 to 4 percent of total U.S. agricultural exports.

The second part of my remarks on U.S. food assistance programs later this week will focus on several difficult challenges to the Public Law 480 program at present. The first is the serious decline in funding levels in the face of ongoing, even escalating, needs for international food aid. The second is the challenge of preserving food aid programs that address chronic hunger and food insecurity through long-term development in the face of mounting emergency food aid needs.

□ 1410

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROTH) and to include extraneous matter:)

Mr. WALKER.

Mr. CALLAHAN.

(The following Members (at the request of Mr. BEILENSON) and to include extraneous matter:)

Mrs. MALONEY in two instances.

Mr. STUDDS.

Mr. MANN in two instances.

Mr. BROWDER.

Mr. DELLUMS.

Mr. PENNY.

Mr. GORDON.

Mr. HOYER.

Mr. UNDERWOOD.

Mr. YATES.

Mr. VISCLOSKY.

Mrs. KENNELLY.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 116. An act for the relief of Fanie Phily Mateo Angeles; to the Committee on the Judiciary.

S. 668. An act to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1727. An act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 11, 1994 at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3146. A letter from the Secretary of Defense, transmitting a report pursuant to section 242 of the fiscal year 1994 National Defense Authorization Act; to the Committee on Armed Services.

3147. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Brady Anderson, of Arkansas, Ambassador designate to the Republic of Tanzania, and members of his family, also by Dorothy Myers Sampas, of Maryland, Ambassador designate to the Islamic Republic of Mauritania, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3148. A letter from Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend authorizations of appropriations for certain youth programs under the Anti-Drug Abuse Act of 1988, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Education and Labor and Energy and Commerce.

3149. A letter from the Secretary of Energy, transmitting notification that the report from the Advisory Committee on Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies will not meet the due date of April 24, 1994, but will submit the report by April 28, 1995, pursuant to 42 U.S.C. 13311; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

3150. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Memorandum of Justification for Presidential Determination Regarding the Drawdown of Commodities and Services To Assist the International Tribunal For the Former Yugoslavia, pursuant to 22 U.S.C. 2318(b)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

3151. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to the Congress: Regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly, to the Committees on Merchant Marine and Fisheries and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2473. A bill to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes (Rept. 103–487, Pt. 2). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources, H.R. 518. A bill to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes; with an amendment (Rept. 103–498). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on Armed Services. H.R. 4301. A bill to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes; with amendments (Rept. 103–499). Referred to the Committee of the Whole House on the State of the Union.

REPORTED AMENDMENT SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 2473. The amendment recommended by the Committee on Natural Resources referred to the Committee on Merchant Marine and Fisheries for a period ending not later than May 11, 1994, for consideration of such provisions of the amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NADLER (for himself, Mr. DELLUMS, Ms. VELAZQUEZ, Mr. OWENS, and Mr. MILLER of California)

H.R. 4370. A bill to establish the AIDS Cure Project; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. STUDDS, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. BATEMAN, Mr. HOCHBRUECKNER, Mr. SAXTON, Mr. REED, Mr. COBLE, Mr. GILCHREST, Mr. ACKERMAN, and Ms. DELAURO):

H.R. 4371. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for use in diesel-powered motorboats and to allow dyed diesel fuel to be sold for such use, or so used, without penalty; to the Committee on Ways and Means.

By Mr. PENNY (for himself, Ms. MARGOLIES-MEZVINSKY, Mr. MEEHAN, and Mr. LEVY):

H.R. 4372. A bill to amend title II of the Social Security Act to provide for a phased-in 5-year increase in the age for eligibility for OASDI benefits by the year 2013; to the Committee on Ways and Means.

H.R. 4373. A bill to amend the Social Security Act to provide for limitations on cost-of-living adjustments; jointly, to the Committees on Ways and Means, Veterans' Affairs, and Energy and Commerce.

By Mr. PENNY (for himself, Ms. MARGOLIES-MEZVINSKY, Ms. LONG, Ms. LAMBERT, Mr. MEEHAN, Mr. MCMILLAN, Mr. MURTHA, and Mr. BARRETT of Wisconsin):

H.R. 4374. A bill to amend the Social Security Act to improve the information made available in Social Security account statements and to provide for annual distribution of such statements to beneficiaries; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. RICHARDSON, Mr. TORRICELLI, Mr. LEVIN, and Mr. BORSKI):

H.R. 4375. A bill to provide negotiating authority for a trade agreement with Chile, but to apply fast-track procedures only to such an agreement that contains certain provisions relating to worker rights and the environment; jointly, to the Committees on Ways and Means and Rules.

By Ms. NORTON:

H.R. 4376. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funds for mental health and substance abuse benefits under health care reform legislation; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CLINGER (for himself, Mr. HUGHES, Mr. MCHUGH, Mr. MINGE, Mr. PARKER, and Mr. OBERSTAR):

H.R. 4377. A bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, and certain other acts to provide for an increase in the number of health professionals serving in rural areas; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

By Mr. CLINGER (for himself, Mr. MCHUGH, Mr. MINGE, Mr. PARKER, and Mr. OBERSTAR):

H.R. 4378. A bill to amend the Social Security Act to require the Secretary of Health and Human Services to equalize the labor and non-labor portions of the standardized amounts used to determine the amount of payment made to rural and urban hospitals under part A of the Medicare Program for the operating costs of inpatient hospital services, to amend the Public Health Service Act to improve the capacity of rural hospitals to provide health services, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, the Judiciary, and Government Operations.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. JOHNSON of South Dakota, Mr. COMBEST, Mr. PENNY, and Mr. ALLARD):

H.R. 4379. A bill to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports, and for other purposes; to the Committee on Agriculture.

By Mr. DE LUGO:

H.R. 4380. A bill to amend the Harmonized Tariff Schedule of the United States to extend certain provisions relating to verification of wages and issuance of duty refund certifications to insular producers in the U.S. Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. HUTTO:

H.R. 4381. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the U.S. Navy Blue Angels; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. JOHNSON of Connecticut (for herself, Mr. FRANK of Massachusetts, and Mr. GEJDENSON):

H.R. 4382. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [Superfund] to provide for the cleanup of municipal waste landfill Superfund sites, and for other purposes; jointly to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. MANTON:

H.R. 4383. A bill to authorize the Secretary of Transportation to convey the vessel SS *American Victory* to the Battle of the Atlantic Historical Society for use as a Merchant Marine memorial, for historical preservation, and for educational activities; to the Committee on Merchant Marine and Fisheries.

By Mr. COBLE (for himself and Mr. FLAKE):

H.J. Res. 365. Joint resolution to designate August 16, 1994, as "TV Nation Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

364. By the SPEAKER: Memorial of the House of Representatives of the State of Alabama, relative to urging the U.S. Congress to cease appropriating funds for any military activity not authorized by Congress; to the Committee on Foreign Affairs.

365. Also, memorial of the Legislature of the State of Alaska, relative to reauthorization of the Magnuson Fishery Conservation and Management Act; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 71: Mr. PASTOR, Mr. KING, Mr. MOORHEAD, and Mr. HYDE.

H.R. 799: Ms. DUNN.

H.R. 1910: Mr. LIVINGSTON and Mr. COOPER.

H.R. 2420: Mr. PETERSON of Minnesota, Mr. VISCLOSKY, and Mrs. MORELLA.

H.R. 2444: Mr. SAM JOHNSON, Mr. SMITH of Texas, Mr. HORN, Mr. THOMAS of Wyoming, Mr. ZIMMER, Mr. CAMP, Mr. TAYLOR of North Carolina, Mr. BEREUTER, Mr. ARMEY, Mr. MCCOLLUM, Mr. MCHUGH, Mrs. FOWLER, Mr. ROTH, and Mr. HEFLEY.

H.R. 3017: Mr. SCHIFF, Mr. DEFAZIO, and Mr. BAKER of California.

H.R. 3064: Mr. WALKER, Mr. SANTORUM, and Mr. HOLDEN.

H.R. 3486: Mr. MCINNIS, Mr. JOHNSON of South Dakota, Mr. HUTTO, Mr. ROWLAND, Mr. STEARNS, and Mr. PAYNE of Virginia.

H.R. 3790: Mr. HEFLEY.

H.R. 4040: Mr. ACKERMAN, Mr. SWETT, Mr. MAZZOLI, Mr. LAFALCE, Mr. RICHARDSON, Mr. DEFAZIO, Ms. LOWEY, Mr. SERRANO, Mr. STARK, Mr. MANTON, and Ms. PELOSI.

H.R. 4100: Mr. BEILENSON.

H.R. 4223: Mr. ARMEY.

H.J. Res. 209: Mr. HOUGHTON, Mr. KENNEDY, Mr. MCHUGH, Mr. DUNCAN, Mr. BAKER of California, Mr. PRICE of North Carolina, Mr. HASTINGS, and Mrs. CLAYTON.

H.J. Res. 327: Mr. BLILEY, Mr. VOLKMER, Mr. MOORHEAD, and Mr. GILLMOR.

H. Con. Res. 148: Mr. OXLEY, Mr. KNOLLENBERG, Mr. MICA, and Mr. ROYCE.

H. Res. 234: Ms. LONG, Mr. VISCLOSKY, and Mr. STRICKLAND.

SENATE—*Tuesday, May 10, 1994*

(Legislative day of Monday, May 2, 1994)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Reverend Richard C. Halverson, Jr.

Mr. Halverson, please.

PRAYER

The Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

As we go to prayer, let us remember the significance of this time and the swearing-in of the new leader in South Africa and the safe return home of any of the leadership who may have participated in that event.

Almighty God, it is written, "He that hath no rule over his own spirit is like a city that is broken down, and without walls."—Proverbs 25:28.

Set up Thy rule in our hearts, Lord, for we know we cannot serve others without first reaching the mission field of ourselves.

In the words of another, "He knows not how to rule a Kingdom, that cannot manage a Province, nor can he wield a Province, that cannot order a City; nor he order a City that knows not how to regulate a Village; nor he a Village, that cannot guide a Family; nor can that man Govern well a Family that knows not how to govern himself; neither can any govern himself unless his reason be Lord, Will and Appetite her Vassals: nor can Reason rule unless herself be ruled by God, and wholly be obedient to Him."—Hugo Grotius, "Teaching and Learning America's Christian History."

In the name of Christ who has promised to put a new heart and spirit within us. Amen.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the order, the Senator from Alabama [Mr. HEFLIN] is to be recognized to speak for up to 7 minutes.

The Chair recognizes the Senator from Alabama [Mr. HEFLIN].

RESOLUTION CALLING FOR A COMMEMORATIVE POSTAGE STAMP HONORING COACH PAUL "BEAR" BRYANT

Mr. HEFLIN. Mr. President, I am today introducing a sense-of-the-Senate resolution which calls upon the Citizens Stamp Advisory Committee to recommend to the Postmaster General, Marvin Runyon, that a postage stamp be issued honoring the late college football coach, Paul "Bear" Bryant. The committee met last month to consider Bryant's nomination for depiction on a first class stamp. Senator SHELBY and I were joined recently by Senators FORD, BUMPERS, and PHIL GRAMM, in sending a letter of support for a Bear Bryant stamp to the advisory committee.

Although Bryant is widely remembered for his legendary coaching career at the University of Alabama, he also coached at the University of Kentucky, Senator FORD's alma mater, and Texas A&M University, where Senator GRAMM taught economics.

Senator BUMPERS had the luxury of claiming Bryant as a native son of his State since the great coach was born in Moro Bottom and raised in Fordyce, AR.

I ask unanimous consent that a copy of this letter, dated March 29, 1994, to the Citizens Stamp Advisory Committee, as well as a resolution to that effect, passed by the Alabama House of Representatives, be printed in the CONGRESSIONAL RECORD immediately following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. Mr. President, I thank each of my colleagues for joining me, particularly my cosponsors, Senators SHELBY, FORD, BUMPERS, GRAMM, PRYOR, and STEVENS, in this effort to so honor Coach Bryant.

This resolution I am submitting today puts the Senate on record as supporting this much-deserved tribute to one of the greatest sports heroes of our time. Although Coach Bryant passed away 11 years ago, he remains the winningest coach in major college football history, with 323 victories, 6 national championships, and the most postseason bowl appearances of any coach.

One joke I have heard for years is that in Alabama an atheist is someone who does not believe in Bear Bryant. One can still find large-sized picture postcards sold at newsstands showing him walking on airbrushed water above the caption "I believe." George Blanda, the great quarterback and placekicker once remarked that upon seeing Bryant's face for the first time—granite and ice, and true grit—he thought, "This must be what God looks like." Blanda said that when Bryant walked into a room, you wanted to stand up and applaud.

As the news of his unexpected death spread quickly on that cold but sunny afternoon on January 26, 1983, just 1 month after he coached his last football game as Alabama's football coach, flags were lowered to halfstaff in Alabama and headlights were instinctively switched on in virtually every car on the road to honor the man who had brought so much glory to his alma mater and to his adopted State.

All of this captures the Bryant mystique and legend, but it leaves out the essential character of the coach. Basic humanness was his most endearing—and enduring—asset. He was, first and foremost, a molder of men who instilled in them character, a healthy appetite for fair competition, and an allegiance to principle. He led by example and never shied away from his own principles. He once disciplined quarterback Joe Namath before a very important game for violating curfew. He called Namath the greatest athlete he had ever seen. He always put the interests, goals, and well-being of his teams above any individual player, whether they were standouts or not.

I have here an example of a possible postage stamp with me on the floor. This rendition, which is not necessarily one that I recommend, was taken from a photograph, and the service department of the Senate prepared it. There may be many different artistic renditions that could be drawn that would be more appropriate. So, we leave it, of course, to the advisory committee and the Postal Department as to what they might select as to the artistic rendition that would appear on this stamp. But his depiction on a stamp would more than satisfy the basic criteria for selecting commemorative stamps. He contributed significantly to America and its history through his leadership in the sports arena; his career has widespread national appeal and significance; he has now been deceased for more than 10 years; his nomination was first submitted over 3 years ago; and there is considerable interest in a Bear Bryant stamp, as indicated by the many letters and petitions sent to the advisory committee. Additionally, commemorative stamps like

the one honoring Elvis Presley are an excellent way for the Postal Service to generate revenue.

I am proud to submit this resolution urging the Postal Service to honor Coach Bear Bryant with a stamp and urge my colleagues to join me in supporting its immediate adoption.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 29, 1994.

CITIZENS' STAMP ADVISORY COMMITTEE,
U.S. Postal Service,
Washington, DC.

DEAR COMMITTEE MEMBERS: It is our understanding that in April, you will be meeting to consider the nomination of college football coach Paul William "Bear" Bryant for a commemorative United States postage stamp. As Members of the Senate, we are writing to strongly support the selection of Coach Bryant for depiction on a first-class postage stamp.

Eleven years after his death, Bryant remains the winningest coach in major college football history. His accomplishments made him a hero not only to the University of Alabama community which he served for 25 years, but to the entire state and to college football fans across the nation.

Born in Moro Bottom, Arkansas, Bear Bryant went on to attend the University of Alabama, where he was a star football player. He began his coaching career at the University of Maryland in 1945, and coached at the University of Kentucky and Texas A & M University before returning to his alma mater in 1958. His historic tenure at Alabama ended in 1982, just one month before his untimely death.

Bear Bryant's teams won six national collegiate football championships, and he led his squads to more post-season bowl appearances and wins than any other coach in history. Many coaches today, both collegiate and professional, were profoundly influenced by his sound leadership as his assistant coaches, players, or colleagues. Even his opponents had an uncommon respect and affection for him. His legacy continues to inspire athletes and coaches everywhere.

The only previously issued football-related stamps honor football in general, and player Jim Thorpe and Notre Dame coach Knute Rockne. Coach Bryant, who moved from a poverty-stricken childhood in rural Arkansas to the top of his athletic profession and stayed there for over two decades, would fit well into that distinguished company.

It is no surprise that there is a growing movement to commemorate Bear Bryant's life and career with a U.S. postage stamp. This has become one of the most endearing ways to honor public figures who have contributed so much to the fabric of our culture. We therefore request that you favorably consider the nomination of this great man for such a stamp.

Thank you for your consideration.

Sincerely,

HOWELL HEFLIN.
WENDELL FORD.
PHIL GRAMM.
RICHARD C. SHELBY.
DALE BUMPERS.

[State of Alabama, House of Representatives, Resolution, HJR6]

CALLING ON THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH PAUL "BEAR" BRYANT

Whereas, former University of Alabama football coach Paul "Bear" Bryant is the winningest coach in Division 1 college football history; and

Whereas, coach Bryant led his teams to six national championships; and

Whereas, Coach Bryant holds the record for most post season bowl appearances, most bowl wins and a number of other accomplishments unequaled before or since his coaching career ended in 1982; and

Whereas, Bear Bryant represents to all Americans a positive can-do spirit of achievement, as exemplified by his life of accomplishments on and off the field; and

Whereas, Bear Bryant was a great American who personified the winning spirit and, as articulated by former President Reagan, "He lived what we strive to be."; and

Whereas, many sports heroes have been honored by the Postal Service by way of a commemorative stamp; and

Whereas, the Postal Service's ten-year waiting period for such an honor has expired since Coach Bryant passed away on January 18, 1983; now therefore

Be it resolved by the Legislature of Alabama, both houses thereof concurring, That the Postmaster General commission a stamp to be issued in honor of Coach Paul "Bear" Bryant as soon as practicable, and that the process to start or move forward consideration of such a stamp be begun this March, 1994, when the Citizen's Advisory Committee of the Postal Service next meets.

Be it further resolved, That the art and image that would appear on such stamp have input by the University of Alabama.

Mr. HEFLIN. Mr. President, I send to the floor the resolution and I ask for the immediate consideration and adoption of the resolution.

The PRESIDENT pro tempore. Does the Chair understand that the Senator is asking for immediate consideration?

Mr. HEFLIN. Yes. I so ask unanimous consent. I cleared it with all parties.

The PRESIDENT pro tempore. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 212) expressing the sense of the Senate that a commemorative postage stamp should be issued to honor coach Paul "Bear" Bryant.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Without objection, the resolution is agreed to.

Without objection the preamble is agreed to.

So the resolution (S. Res. 212), with its preamble, was agreed to as follows:

Whereas eleven years after his death, Paul "Bear" Bryant retains the record of being the most successful coach in Division 1-A college football history;

Whereas Paul "Bear" Bryant's accomplishments were a source of great pride to the University of Alabama and the Nation;

Whereas Paul "Bear" Bryant's example has profoundly influenced many professional and collegiate coaches and players; and

Whereas Paul "Bear" Bryant is a modern hero and legend in the South: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that a postage stamp be issued honoring coach Paul "Bear" Bryant.

ACCESS TO SATELLITE RECEPTION OF TELEVISION

Mr. HEFLIN. Mr. President, I rise to urge the Senate's expeditious consideration of S. 1485, legislation to ensure that home viewers will continue to have access to satellite reception of television. For 81,000 people in Alabama and millions of people all across America, this legislation will protect their access to news information and entertainment services which connect them with the rest of the country and the world.

I am proud to have been a cosponsor of the 1988 Satellite Home Viewer Act, which made possible the development of home satellite viewing, and believe that satellite technology has gone a long way toward reducing the gap between information haves and have-nots in our country. It is, therefore, quite alarming to be facing the expiration of the copyright license that has made the development of the home dish industry possible. At a time when Congress is all abuzz with talk of a new information superhighway, it would be unconscionable to leave our rural citizens worrying about whether they would have access to broadcast and cable programming next year.

I therefore commend my distinguished colleague from Arizona, Senator DECONCINI, the chairman of the Subcommittee on Patents, Copyrights and Trademarks in the Judiciary Committee, for introducing this much-needed legislation. I also join, and am pleased to join, with my distinguished colleague from Vermont, the chairman of the Committee on Agriculture, in cosponsoring this bill and pledging my efforts to help pass it as soon as possible. I hope we can give immediate consideration to this matter and that it will be passed in the not too distant future.

PRIVILEGE OF THE FLOOR—S. 2019

Mr. HEFLIN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Mary Culler, a legislative fellow temporarily with his staff from the Environmental Protection Agency, have access to the floor during the consideration of S. 2019, the Safe

Drinking Water Act amendments of 1994.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENTIAL INAUGURATION OF NELSON MANDELA

Mr. LIEBERMAN. Mr. President, I rise today in celebration of a truly historic event. For today is the day of Nelson Mandela's inauguration as the new President of South Africa. Elected through free and open elections in which, for the first time, all South Africans were able to vote, he is South Africa's first black President. South Africa has, at long last, leapt across the chasm from apartheid to majority rule.

It is a tribute to Nelson Mandela's leadership, dedication, and strength that over 30 million South Africans have achieved their dream of exercising the fundamental right to vote, without regard to race. What an inspiring sight, watching millions of Africans standing patiently and peacefully in long lines stretched across the open African landscape waiting to vote. And they persevered, despite the violence and destruction which some groups used to try to disrupt the election.

We should also honor the remarkable role of F.W. de Klerk, formerly the President and now the new Deputy President of South Africa. Because of his courage and vision, South Africa was able to avoid all-out civil war over apartheid. Peaceful change occurred in South Africa because former President de Klerk was willing to negotiate himself out of power. And, we should pay tribute to the world community for its disapproval of apartheid, expressed most effectively through economic sanctions, which helped force the abandonment of racial discrimination.

Apartheid in South Africa has ended and a country once immersed in racial turmoil begins its journey toward a society of laws based on universal suffrage. This is indeed a joyous occasion; but it must be viewed with a sense of challenge as well. South Africa, which has the strongest economy in Southern Africa, must deal with the possibility of tribal warfare and the economic challenges posed by neighbors who are less well off and by a society where economic disparity is all too evident. The African National Congress must now share power with many of its historic rivals. The ANC must now make a successful transition from opposition to governance. Former President F.W. de Klerk, who initiated the move to end apartheid, must now work with President Mandela to build a strong coalition among the many parties and all races in South Africa and to solve the problems which persist. These are not insignificant challenges; but a society which has made the leap South Africa has should be able to move forward to a brighter tomorrow.

I was very encouraged by President Clinton's announcement last week that the United States will recognize the opportunities and challenges of this new South African Government with a package of assistance to promote trade, aid, and investment worth nearly $600 million. The Commerce Department will send a new full-time minister to Johannesburg to promote bilateral and regional trade ties with the United States. As President Clinton has emphasized, we must enable the citizens of South Africa to reach their potential economically for this is critical to preserving a democracy of tolerance, hope, and opportunity.

A new flag has risen in South Africa. I am proud to have witnessed the historic events which have led to this day. I pay tribute to Nelson Mandela, whose patience and spirit both in captivity and in triumph have set an example for us all. I offer the people of South Africa my full support in the challenging days which lie ahead and my congratulations on their victory today.

CELEBRATING WIC'S 20 YEARS

Mr. SARBANES. Mr. President, I rise today to celebrate the 20th anniversary of the Supplemental Feeding Program for Women, Infants, and Children. WIC, as it is better known, has been one of the most cost-effective preventive health programs ever established and I am pleased to have this opportunity to draw the attention of my colleagues to this important program.

WIC provides low-income pregnant women, mothers and children up to age 5 with supplementary food, nutrition education, and medical referrals. Based on an infant formula and food program established in Baltimore during the late 1960's, WIC has had great success in improving pregnancy outcomes, reducing low birth-weight births, and saving medical costs. A General Accounting Office report concludes that the $300 million in WIC benefits provided for pregnant women in 1990 will prevent more than $1 billion in health-related costs over the next 18 years. Another report, a U.S. Department of Agriculture compilation, finds that prenatal participation in WIC saves Medicaid costs ranging from $277 to $598 per participant.

WIC is without question an effective program and one that should be completely utilized. Maximizing its potential to serve all eligible mothers and children would avert costly expenditures and poor health. Evidence of this is clear as cost savings and health benefits have increased over the past dozen years while funding for WIC has more than tripled to include a larger number of participants. Despite this success, however, WIC still lacks sufficient funds to reach all of those eligible. In fact, the fiscal year 1993 program is expected to have served only 67 percent of all of those qualified. Progress must continue to be made to establish WIC as a mandatory program.

For 20 years, WIC has been a shining illustration of what constitutes sound public policy and this week, in Baltimore and Washington, events have been held to celebrate the success of this nutritional program. Today, I am pleased to join in saluting WIC and especially proud that Baltimore is the birthplace of a program that has helped so many children at the most critical times of their lives.

Mr. President, I ask unanimous consent that an article from the May 4, 1994, Baltimore Sun that recognizes the 20th birthday of the WIC Program be printed in the RECORD in full, immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIC AT 20: A FORMULA FOR SUCCESS

(By Laura Lippman)

Social service programs seldom prompt celebrations, but one, WIC, is so beloved that its 20th birthday will be celebrated twice this week—today in Baltimore and tomorrow in Washington.

"WIC is such a specific, nutritional prescription for what a pregnant mother and a kid in early childhood need—to get that start, to get ready to learn—and that's a lot to celebrate," said Linda Eisenberg, executive director of the Maryland Food Committee. "It is a rare thing to hear anything negative about this program."

WIC—the Supplemental Feeding Program for Women, Infants and Children—is a federal program that gives poor women and children vouchers for infant formula and foods such as milk, cheese and eggs. Its roots are deep in Baltimore, which developed a forerunner.

A General Accounting Office study estimated that WIC saves $3 in potential medical costs for every $1 spent, and WIC is not among the many programs up for grabs in the push for national welfare reform. Although the program has some critics, it has withstood them over the years—even prevailing in court over President Richard M. Nixon, who impounded its funds.

Simplicity seems to be the key. Practically fraud-proof, WIC appeals to those who want to police what people buy with food stamps or worry about a culture of dependency within the welfare system.

Recipients love it, too, so much that some, including Shari Harris of Highlandtown, end up working for WIC. She is a nutritionist's aide who spreads the word about WIC.

"We were all anemic, and it really helped me out," said Mrs. Harris, who credits WIC with making the difference between her first

child, a girl who weighed less than 6 pounds at birth, and her second, a boy who weighed in at a healthy 8 pounds, 4 ounces.

To qualify for WIC, a woman must be pregnant or nursing and be considered "at risk" nutritionally. Children are eligible up to age 5. An income eligibility test is used, but one generous enough so that working poor families can quality.

"One of the things about the WIC program is that we have a specific mission, and that mission is to have healthy children," said Joan Salim, the Maryland WIC director. "We feel we have saved children's lives."

The state estimates that it reaches about 70 percent of those eligible, serving 81,000 women and children at 101 sites. The program grew rapidly in the early 1990s, increasing its enrollment 84 percent from 1989 through 1993.

In Maryland, no longer considered a WIC growth state, the program received about $40 million from the federal government and $750,000 from the state. Rebates on infant formula provide $15.2 million more to spend on vouchers.

WIC traces its lineage to Baltimore and Memphis, which set up similar programs in the late 1960s. In Baltimore, it was called IFIF—Iron Fortified Infant Formula—and involved handing out vouchers for formula only.

In the late 1960s, the nation was coming to grips with its hunger problem, yet prenatal care was dominated by ideas that seem quaint now: Pregnant women were scolded for gaining more than 22 pounds, and there was little concern about smoking and drinking during pregnancy. Infant anemia was rampant.

"We were really on the cutting edge," said Mr. David M. Paige, who, as a student at the Johns Hopkins School of Public Health, helped to develop Maryland's program with the founders of what became the Maryland Food Committee.

When Congress turned its attention to nutrition problems, the Maryland team was called to Washington to testify. WIC expanded the voucher program used in the state.

Since it began in 1974, WIC has seldom been threatened politically. It has broad support—from the medical community, recipients, farmers and formula manufacturers.

But the program has detractors. Dr. George E. Graham of Hopkins, writing three years ago in the Wall Street Journal, criticized its high-fat commodities and said there was no proof that it worked. Behavior—drinking, smoking and drug abuse—was the problem, he wrote, not nutrition.

Dr. Paige shares similar concerns about the program's reliance on high-fat and high-cholesterol foods. But he said studies show that a WIC mother is less likely to have a low-birth-weight baby, which reduces the chance of infant death.

Today, however, there will no be contrary voices raised as Dr. Paige and others celebrate WIC's Baltimore beginnings at the WIC office in the Mount Zion Baptist Church, 2000 E. Belvedere Ave.

WIC foods are expected to be served—along with cake.

SOUTH AFRICA ELECTIONS

Mr. LUGAR. Mr. President, today Nelson Mandela will be inaugurated as the next President of South Africa and the first President of the new South Africa. This will mark the culmination of an extraordinary political journey for South Africa, a journey away from apartheid and toward democracy and racial cooperation. By any standard, the events in the past few years in South Africa, including the all races election concluded more than a week ago, are historic.

After years of armed struggle, violence, protest, international sanctions and, in the past 3 years, protracted negotiations, South Africa has moved toward the establishment of a new political system and a new society which are vastly different from that which preceded it. This evolution toward a more equitable society is a testament to the extraordinary leadership abilities of State President F.W. de Klerk and African National Congress [ANC] Leader Nelson Mandela who convinced their supporters that change through reconciliation and compromise was preferable to change through violence and confrontation. Without the exceptional leadership of these two visionaries, it is doubtful that these elections and this political and social transformation could be taking place today.

The gradual and painstaking process of working out the terms of the political transition has had the salutary effect of educating the people of South Africa about the changes underway and those to come. This should be an instructive model for other societies undergoing fundamental change in Africa or elsewhere. Although the protracted negotiations were difficult, testy, and frustrating, it was preferable to work out the differences among the parties before the elections than to assume that the elections will solve them in turn. Now, the path ahead for South Africa is a difficult one. But, it has been made less difficult because years of talks and compromise helped resolve or ease many of the differences prior to these elections.

Given the sentiments, the nemities and fears created by apartheid and repression on the one hand and by armed struggle on the other, it is all the more remarkable that the people of South Africa chose social tolerance over turmoil and political evolution over revolution. Indeed, the world has witnessed a very remarkable negotiated revolution that could just as easily have been very violent and very bitter. Given the distance that had to be traveled by all parties and peoples involved and the range of obstacles that had to be overcome, such a transition would have proven too difficult for most societies. Happily, this has not been the case for South Africa.

There have been numerous disturbing reports about the fairness of the election, about vote-counting snags, and about the overall smoothness of the process. It is my understanding that most, but certainly not all, these problems were attributable to administrative weaknesses and faulty procedures in which the system was overwhelmed by the enormity of the task. While there was a solid electoral infrastructure in place, it was not adequate for meeting the needs of an expanded electorate. In addition, there were 11 campaign languages in use, 19 parties were on the national ballot and some 27 different parties contested for votes in the provincial elections. This posed a monumental task from the start.

Given the reported deficiencies in this election, it is important that South Africa initiate steps to improve its electoral system, its campaign laws, and its procedures for conducting future elections. They should dedicate themselves to making these improvements by the time of the next scheduled elections.

The African National Congress [ANC], which has been the strongest organized internal opponent of apartheid in South Africa, has received a mandate to govern and the National Assembly has chosen Nelson Mandela as President. The African National Congress will have a majority of the seats in the new 400-member body. The National Party and the Inkatha Freedom Party [IFP] also received sufficient electoral support to ensure diversity and competition in the deliberations of the new Parliament, in drafting the new Constitution, and in managing the country's affairs. The election returns in the nine new provinces also speak to the diverse preferences of South Africa's multiparty political system. These results promise that there will be debate, dialog, and diversity in national politics and in the provincial assemblies. This is a healthy result and a heartening beginning for the transitional government that will manage the affairs of South Africa for the next 5 years.

As extraordinary as these elections have been, they do not in and of themselves make for a democratic society. Much more must be done to ensure that security exists for everyone, that majority and minority rights are protected, and that opportunities are spread throughout the country. It will take time and determination. With South Africa's human and physical infrastructure—already the most advanced in the continent of Africa—its chances for success are positive. The enormous difficulties and barriers that had to be surmounted to get to these elections are at least as difficult as the tasks that lie ahead for governing the new South Africa. With the broad-based legitimacy of these elections, the new multi-party, multirace government will have a solid political foundation for addressing the many social, political, and economic disparities that exist.

Mr. President, Mr. Mandela's task is filled with opportunities and challenges. I suspect his main task will be to develop and implement a consensus-

based strategy to manage both popular expectations and the fears that fundamental change always breeds. Several years ago, President-elect Patricio Aylwin of Chile told me the most difficult and most important task for him as the future President of Chile, a country which itself was undergoing a fundamental transformation, was to manage the expectations of the Chilean people. By this he meant that, as President, he would be faced with managing the difficult task of balancing the demands from those seeking instant gratification of long-denied material benefits and those fearing the loss of a way of life for which they had become accustomed. He worried that this might paralyze his government.

The quest for instant gratification will pose a similar problem for Mr. Mandela. I hope that he, Mr. de Klerk, his Cabinet, and the new Parliament will have the wisdom to see their way to balance these conflicting demands in a careful and judicious manner. I hope, also, that the people of South Africa will have the patience to understand this dilemma.

Economic growth will be necessary to create jobs, expand housing and education, and provide health care services in South Africa. Progress in each area will require access to international investment, capital and technical assistance. Direct bilateral assistance and loans from international financial institutions can be helpful but, in the end, private investment will be most critical to reviving the economy. In this regard, it would be very helpful if the last remaining United States sanctions on South Africa were repealed as quickly as possible. It is my understanding that more than a dozen State governments and municipalities continue to bar or restrict their investments in companies doing business in South Africa. Moreover, there are nearly two dozen American colleges and universities that prohibit investments in economic activities relating to South Africa. These are vestiges of the international sanctions imposed in the mid-1980's that apply to circumstances in South Africa which no longer exist.

Finally, Mr. President, I want to express my congratulations to the people of South Africa and to those inside and outside South Africa who helped guide that country through these difficult times. Now, they will have to show the same courage, determination, and patience as the new South Africa continues the remarkable transformation that today's inauguration represents.

LT. GEN. CLAUDE M. KICKLIGHTER'S SPEECH DURING THE "DAYS OF REMEMBRANCE CEREMONY"

Mr. THURMOND. Mr. President, in a little less than 1 month, the world will commemorate the 50th anniversary of "D-day," the invasion of Europe that signaled the beginning of the end for Nazi Germany. As a veteran of the invasion, I remember how excited we were with our progress as we quickly pushed the enemy back into Germany. As we got closer to Germany, though, our enthusiasm was severely and depressingly dampened as Allied units began to liberate concentration camps.

I will never forget how shocked and sickened I was by what I found at Buchenwald. It was a place filled with people who were starved, diseased, and barely alive. How anyone could survive such an environment was amazing, and how anyone could create such a Hell was incomprehensive. For the loss of better words, I, and my fellow liberators, were aghast and infuriated at what we discovered at that camp and its gruesome horror was permanently burned into our memories.

As time marches on, and the bizarre era of German history known as nazism grows distant, younger generations run the danger of forgetting, or worse yet, never knowing the atrocities of the madmen of the Third Reich. It is for that reason that events, such as the commemorative ceremony that was held last month, down the hall and in the rotunda, is so important. By gathering camp survivors; camp liberators; government, business, and religious leaders, we can ensure that those who died in the camps or fighting the evils of Hitler's twisted ideology are remembered, and; most importantly, that the Holocaust is never forgotten.

Mr. President, as you know, last month's ceremony was a very emotional one. I was especially moved by the remarks of Lt. Gen. Claude M. Kicklighter and would like to share them with my friends in the Senate and ask unanimous consent that they be placed in the RECORD following my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY LT. GEN. CLAUDE M. KICKLIGHTER, U.S. ARMY RETIRED

Mr. Vice President, Members of the Senate and House, Mr. Ambassadors, Mr. Secretary and so many other distinguished guests, especially survivors, liberators and rescuers, ladies and gentlemen.

It is with pride, humility and gratitude that I accept the General Eisenhower Liberation Medal on behalf of millions of brave men and women who liberated Europe; freed the captives from the death camps; attained victory as they brought the most destructive war in history to an end. A grateful nation does not remember, especially the courage of all those who gave all their tomorrows so that this tyranny could be destroyed and free men and women could once again walk in the Sun, at peace. Today, I am honored to be in the presence of so many patriots and heroes in this special place and on this special occasion.

Fifty years ago, we were engaged in a life and death struggle against the worst tyranny in the history of mankind. A dark period in which civilization as we know it was almost lost. A war in which 15 million men and women of all nations were killed in battle. Another 38 million men, women, and children lost their lives as this war swept across their homelands. Of these, 8 to 10 million were murdered in the concentration camps—only God knows how many. Today, it is impossible to comprehend the magnitude of that tragedy, any more than we can understand the loss of one precious child—a child like Anne Frank.

Early one morning in June of 1944, the liberators jumped from the sky, and stormed across the beaches into Normandy. They won that crucial battle and kept on winning, as they charged across Europe, changing history as they went. In that march, they discovered the concentration camps and their unspeakable horrors. There began a new battle, one fought with a different kind of courage and with a special compassion, as the liberators sought to save the lives of thousands of survivors, who were broken physically and emotionally and most were at the brink of death.

Amid the suffering and dying in the death camps had been whispered a common prayer: "God, let there be survivors who can bear witness to this horrible nightmare." The God who is the Father of us all, heard those prayers and made the survivors and their liberators and rescuers the conscience of this Nation and this world. The fact that we are gathered here this morning is an answer to those prayers.

As I look around this audience, I see many friends with whom I was privileged to take a very moving journey just 16 months ago, which Mr. Lerman talked about earlier. A journey with the survivors and liberators of the death camps. That journey began in those camps and ended on the beaches of Normandy. We walked together, we wept together, we prayed together, as we visited those monuments of man's inhumanity to man, and the military cemeteries, where lie the liberators of Europe. We gathered soil and sand that was stained with the precious and innocent blood of so many, and we returned home, forever changed. That soil and sand rests today in a place of honor in the Hall of Remembrance, under the eternal flame in the Holocaust Memorial Museum.

A few days ago, I again visited the Hall of Remembrance. As I looked at the container holding that soil, silent voices reminded me, that we must never forget. The silent voices charge those of us who know the truth about this evil to join the ranks of the survivors and liberators, and become messengers, teachers, and sentries so the world will never forget what happened in those dark and depraved days.

We must work and pray for peace—but not peace at any price and not just the absence of war, but a peace that celebrates the triumph of freedom and human dignity. If we remember, if we learn from this history, if we prepare, World War II and all its tragedies may become known as the last world war.

Sadly, the awful history of the 1930's and 1940's is today, unknown by many. The young of today and future generations must be warned and protected. We must teach our children, and they their children. The Holocaust Memorial Museum is a living, teaching, speaking witness that is making a difference in the world, through all those who visit. My visit recalled to mind the adage that the only thing good men must do to let evil men succeed is to do nothing.

Even as this soul and flame reminds us of the suffering of just 50 short years ago, they

also signify hope. Hope for the future. Hope that comes from the knowledge that good men and women were willing to sacrifice their all to destroy evil. This strong, free, and beautiful America in which we live today was given to us by those brave men and women who had the courage to confront and conquer evil, as they have done throughout our history and as they will continue to do.

The voices from beyond the grave and the voices of those who died in the concentration camps and the voices of those who built this Hall of Remembrance all cry out that their sacrifices must not have been in vain. They say to us: "You must never be guilty of doing nothing. You must never again let this terrible thing happen."

Never again.

Never again.

I am humbled and honored to receive this award—God bless America.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate Scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 6, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.8 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated May 3, 1994, Congress approved and the President signed the Marine Mammal Protection Act amendments—Public Law 103–238—changing the current level of outlays.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through May 6, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated May 2, 1994, Congress approved and the President signed the Marine Mammal Protection Act Amendments (P.L. 103–238), changing the current level of outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MAY 6, 1994

[In billions of dollars]

	Budget Resolution (H. Con. Res. 64) [1]	Current level [2]	Current level over/ under resolution
ON-BUDGET			
Budget authority	1,223.2	1,218.5	−4.8
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–98	5,153.1	5,122.8	−30.3
Maximum deficit amount	312.8	311.7	−1.1
Debt subject to limit	4,731.9	4,488.2	−243.7
OFF-BUDGET			
Social Security outlays:			
1994	274.8	274.8	[3]
1994–98	1,486.5	1,486.5	[3]
Social Security revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS MAY 6, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Total enacted this session	(2,681)	(641)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,562)	1,326	
Total current level [3 4]	1,218,462	1,217,058	905,429
Total budget resolution	1,223,249	1,218,149	905,349
Amount remaining: Under budget resolution	4,787	1,091	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS MAY 6, 1994—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Over budget resolution			80

[1] Includes budget committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,145 million in budget authority and $9,057 million in outlays in emergency funding.

[4] At the request of Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,572,080,412,621.63 as of the close of business yesterday, Monday, May 9. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,536.97.

THE ENVIRONMENTAL TECHNOLOGY ACT OF 1994

Mr. LEAHY. Mr. President, I rise in support of the National Environmental Technology Act of 1994 which I have cosponsored.

I feel strongly that this bill provides support to an up-and-coming industry in Vermont, and one of the most important industries in our Nation. Small businesses need guidance and support to tap the environmental technology market, and Americans need good-paying jobs. These are concerns that we have today, and they are addressed in S. 978.

The visionary strength of S. 978 is that it also takes care of our concerns for tomorrow. The Environmental Technology Act promotes economic vitality in a way that will make the world a better place for our children. Ultimately, this is the goal we have to keep our eye on.

Many special interests court the idea that environmental stewardship chokes off economic prosperity. Most Vermonters know that the opposite is

true—environmental degradation is the millstone that brings on economic decline. The Environmental Technology Act is clear recognition that economic prosperity and environmental conservation go hand in hand. I believe that this is the direction in which Vermont and the country must go.

Vermont has already seen both the benefits and challenges of using new, innovative technology in place of traditional solutions. Several Vermonters developed a technique of modeling the flow of contaminated groundwater through soil. When this modeling technology was applied to a local superfund site at Barge Canal in Burlington, it became clear that the EPA was about to embark on a costly cleanup effort that would yield few, if any, environmental benefits. New technology saved millions of dollars on this project alone. S. 978 sets aside a certain amount of cleanup money from the Department of Energy, Department of Defense, and Environmental Protection Agency to use innovative technology and groundwater modeling from the University of Vermont.

On another front, construction of a biomass gasification plant may begin in Burlington next year. The powerplant will use organic fuels such as wood chips and corn stalks to power Burlington's energy grid. One of the biggest hurdles in moving this project forward was getting a warrantee for a turbine. The turbine technology had not been tested in the specific application that Burlington needed. S. 978 creates a technology verification program at the EPA to help producers and consumers address challenges like this one.

Gardener's Supply Co. of Burlington is pioneering exciting new technology for treating and reusing wastewater through "Living Machines." These machines duplicate nature's way of removing toxic substances, but accomplishes it at a quicker pace. Polluted water is channeled through a series of tanks inside a greenhouse. The tanks are exposed to sunlight and contain a carefully designed progression of bacteria, algae, snails, and fish. By imitating the way nature purifies water, these living machines are at the cutting edge of a revolutionary approach to treating wastewater. This bill provides funding for joint private and Federal precommercial research and development for projects like the Gardener's Supply Co. treatment plant. A Federal partnership may be all that Gardener's Supply Co. needs to complete its testing and put the product on the market.

Seventh Generation of Colchester, VT, sells everyday household products for a healthy planet. With the motto "In our every deliberation, we must consider the impact of our decisions on the next seven generations," this mail-order company sells competitive environmentally friendly products that we can use all the time. Many of these products bring the concept of pollution prevention into our own homes. S. 978 targets pollution prevention as a key market for further investment.

Atlantic Orient of Norwich and Green Mountain Power of South Burlington are working together to test the latest developments in wind-generated power. Atlantic Orient has developed a commercially viable small wind turbine and Green Mountain Power is testing these turbines for large-scale use at electric utilities. This is only a small part of the energy conservation and energy services industry in Vermont. The technical assistance available to small companies through S. 978 will help develop Vermont's energy industries further.

Finally, Merrell Footwear of South Burlington has developed a best-selling hiking boot made with recycled materials. Merrell uses computer papers and coffee filters to produce 65 percent of the boots' insoles, and old tires to make 10 percent of its soles. This is the kind of product we need to support to keep our high standard of living, and still fulfill our conservation obligations to younger generations.

I am looking forward to the economic opportunities that this bill provides to Vermonters, and I welcome the economic and environmental security that it provides for our children. I have mentioned only a few of the many companies in Vermont who have taken the initiative to develop environmental technology. This bill will help many of our growing companies break into larger markets and help new companies find opportunity where today there is very little. I urge my colleagues to support the Environmental Technology Act of 1994.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the hour of 10 o'clock having arrived, morning business is closed.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for an additional 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator is recognized for 15 minutes.

FLEXIBLE FUNDING, COLONIAS, SOUTH VALLEY

Mr. BINGAMAN. Mr. President, today I would like to discuss three amendments which I have filed at the desk and plan to offer as amendments to the Safe Drinking Water Act Amendments of 1994 which is being considered this week in the Senate. I look forward to working with the chairman and his staff on these important issues.

The first amendment I plan to offer will provide States with the needed flexibility to more efficiently manage their environmental programs. This amendment will promote more effective and efficient use of existing environmental funds and will facilitate the targeting of funds where the problems are the greatest in the individual State. I introduced this amendment as a stand alone bill last November as S. 1687, the Environmental Flexible Funding Act of 1993.

Senator SMITH is the prime cosponsor on this legislation with me, and both of us have worked hard to persuade our colleagues that this is, in fact, meritorious legislation.

I plan to offer this amendment because I have personally heard from State environmental directors who are concerned about the constricting nature of the existing grant programs. They believe that these grant programs fail to recognize that each State is different. What might be of most concern to one community may be less important to another. Federal assistance that is available is restricted to nationally perceived priorities, preventing more effective use of funds on greater regional or local needs.

The National Governors Association and the National Conference of State Legislators have called for a limited number of flexible environmental grants. In addition, the development of flexibility was one of the key findings of a State capacity task force report developed by States and the Environmental Protection Agency [EPA] called Strengthening Environmental Management in the United States.

There is widespread support among State environmental commissioners, colleagues in the Senate, and from the EPA for this concept. However, they have not been able to institute such an initiative due to the lack of statutory authority. This amendment, Mr. President, would solve that problem. It gives them the statutory authority.

Mr. President, let me summarize briefly the main provisions of this first amendment.

First, my amendment would enable States to consolidate funds awarded by the Environmental Protection Agency under separate grant authorities into one of six environmental grants.

Second, this amendment would authorize a multimedia grant for any activities that would be eligible under the separate grant authorities.

Third, Governors would be able to transfer 20 percent of grant funds from one environmental program to another of greater State-identified need.

Finally, my amendment would establish a common set of administrative and reporting requirements for States.

Mr. President, let me make clear that my amendment would not seek additional funding authority. Instead, it will enable States to better use ex-

isting Federal funds being made available for environmental purposes. More importantly, this amendment would significantly enhance a State's ability to direct scarce resources to the most serious environmental problems that it faces.

It is critical that we encourage more effective use of existing grant funds given the limited financial resources and increasing Federal environmental requirements. This amendment which I plan to offer will provide the necessary authority.

The second amendment I plan to introduce to the Safe Drinking Water Act Amendments of 1994 will provide the needed authority to supply poor communities along the southwestern border of the United States with desperately needed wastewater treatment grants. I introduced this amendment as a stand-alone bill, S. 1286, the Colonias Wastewater Treatment Act of 1993, last July.

First, I want to bring to the attention of the Senate the plight of these poor communities called colonias. Colonias are situated along the southwestern border of the United States. They are rural residential areas, generally unincorporated, many without paved roads. They are small in size with populations ranging anywhere from 250 to 5,000 people. Residents are generally poor and live in substandard housing with inadequate plumbing and drinking water. Housing lots are extremely small in size and packed together, frequently creating a high density of cesspools and inadequate septic tanks. The population is growing in size daily, compounding these problems and health problems.

If by chance you happen to visit these colonias, you can only be struck by the primitive conditions in which the residents live. You would walk away in disbelief that over 350,000 American citizens and legal permanent residents are subject to what most of us would call developing countries living conditions.

These conditions create health and environmental problems. Many colonias are situated in areas with a very shallow water table, resulting in sewage trickling through the ground and contaminating the ground water. Since many families rely on wells on their property for their drinking water, it is not surprising that incidences of infectious diseases in the colonias are higher than the national average. It is also not surprising that the groundwater is contaminating our rivers. The national environmental group American Rivers recently identified the Rio Grande as one of the most endangered rivers in the country, citing inadequate treatment of sewage waste as one of the prime causes of pollution in the border area.

The needs of the colonias have not gone unnoticed. In fiscal year 1993, Congress appropriated through EPA $50 million to help these communities. These funds were used for grants to build needed wastewater treatment facilities. In fiscal year 1994, the administration requested funds for the Environmental Protection Agency [EPA] to continue helping the colonias construct wastewater treatment facilities. However, when EPA's budget came up for discussion on the House floor, funding was struck due to a parliamentary debate as to whether sufficient legal authority existed for EPA to make these grants.

Congress has provided a $500 million reserve in fiscal year 1994 to support projects in hardship communities pending enactment of authorizing legislation.

The question today in Congress is not if we should help these colonias, but whether we have the legal authority to do so.

I want to end this doubt over legal issues, and place attention where it rightly belongs—that is, how to help the residents of these communities. I, therefore, plan to offer this amendment to the Safe Drinking Water Act authorizing EPA to make grants for wastewater treatment in the colonias.

Mr. President, specifically, my amendment would authorize the Administrator of EPA to make grants to colonias or communities acting on behalf of colonias for wastewater treatment.

Grants may include planning, design, and construction of a wastewater treatment works, including acquisition of any land needed for the construction of operation of the works. Grants may also be for up to 100 percent of project costs.

The special needs of these communities must be met—especially as we begin implementation of the North American Free-Trade Agreement. I believe this amendment can play a critical role in helping provide the needed protection these communities deserve.

The third amendment I plan to offer as an amendment to the Safe Drinking Water Act Amendments of 1994 will address the wastewater treatment needs of small disadvantaged communities. These are small unincorporated communities with inadequate wastewater systems. These communities are too large to qualify for rural water grants, but are too small to shoulder the high per household hookup fees or monthly water and sewer service fees that would be necessary if they were to finance wastewater treatment construction through revenue bonds or other financing mechanisms.

Congressman STEVE SCHIFF has introduced similar legislation in the House. I believe that the Safe Drinking Water Act must be amended to include a special grant program for small, unincorporated communities facing extreme hardship in treating their sewage.

I am particularly concerned about unincorporated communities near urban centers which face a unique combination of environmental, financial, and governmental problems. Households in these areas traditionally have relied on septic systems to meet sewage needs. With urban growth these communities have expanded. Septic systems which once were adequate can no longer accommodate that increased density. Yet these communities lack the tax base and governmental structure needed to fund needed infrastructure improvements. They face high system costs per household due to their relatively low density, a high percentage of residents with lower incomes, and lack of access to grant programs intended for very small, rural communities.

The South Valley in New Mexico, a small unincorporated community outside of Albuquerque, alongside the Rio Grande, is one such community. Most of its 12,000 residents rely on septic tanks. Their drinking water comes from wells on their property. Heavily concentrated septic tanks, a shallow water table, and tight soils resulting in poorly drained septic tanks are contaminating the ground water. State and local governments have already contributed significant funds to address the problem, but additional funding is needed. If this funding were to come through revenue bonds, residents in the area would have to pay 4 to 6 times as much as other New Mexico residents for monthly water and sewer service. These citizens cannot afford such rates.

State and local governments are already contributing to finding solutions to problems such as in the South Valley. But these funds alone cannot meet all needs.

Mr. President, specifically the amendment I plan to introduce will authorize the Administrator of the Environmental Protection Agency to make grants for wastewater treatment projects to communities: that are unincorporated; that have a population of 20,000 or fewer residents; that have a median household income that is less than or equal to 110 percent of the median household income for nonmetropolitan areas in the State—although the community may be part of a metropolitan statistical area—and that will match 25 percent of Federal funding with any combination of public or private funds or in-kind services.

These grants are critical in assuring that these communities have access to clean and safe water.

I look forward to working with the chairman and his staff on these important amendments.

The full text of my amendments were printed in the RECORD of May 9, 1994.

RELEASE OF REPORT BY NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

Mr. BINGAMAN. Mr. President, I see I have just a few more minutes. Last week, the National Education Commission on Time and Learning released its report to the public. That report, entitled "Prisoners of Time" outlines a critical problem for our school reform efforts: We have dealt with many, many issues relevant to the education of our children except one crucial element: time. In all of our consideration of new, high standards for all children we have not yet grappled with the implications that those standards have for the time we ask our children to spend in school or for the time we require them to spend studying the core academic subjects which those standards address.

When national legislation to set goals and standards was first proposed in the Senate several years ago, I expressed my concern that we could not really ask our students to meet higher standards if we did not also consider the element of time. I wondered whether we really knew what the implications of time for learning were. Were we using time in best way in school? Were students spending enough time on the tasks they needed to learn? Did teachers have enough time to teach? Was it fair to ask students to achieve to higher standards in the traditional school day and school year?

I knew that we did not have the answers to these and similar questions but I also knew that our efforts to have students meet higher academic standards would fail if we could not deal with the time issue intelligently. Therefore, I introduced a bill in the 102d Congress to establish the National Education Commission on Time and Learning. That bill became law.

That nine-member Commission started its work in 1992. The Commission was led by Milton Goldberg, the Executive Director of this Commission and the former Director of the National Commission on Excellence in Education, which produced the landmark report, "A Nation At Risk." The Commission held eight hearings at locations around the country and commissioned the preparation of several reports on various aspects of its study. It visited 22 schools across the Nation and traveled to Germany and Japan to visit schools in those Nations.

The report which the Commission has released today should be read by every person concerned about our Nation's education system. It identifies the essential design flaw in that system which must be fixed before we can make any true progress: That flaw is expecting all children to learn a fixed body of knowledge at a uniform minimum level of competency in a rigidly defined schedule of days and hours. We know that children learn at different rates; we know that our society has changed and is changing so that children bring different problems to schools; we know that what children are expected to know in an increasingly competitive world is changing—yet we continue to insist that all children learn on a schedule which is rooted in work schedules of generations ago.

Furthermore, the report notes the compounding of that flaw in that the fixed days and hours of instruction which we have set for our children are frequently not even used for academic instruction. We do not require of our students even half the academic study that other countries require of their students. It appears that we take a limited number of instructional hours and spend them on a variety of things not related to proficiency in core academic subjects.

This chart, which is the only chart appearing in the report, shows how little we expect of our high school students as compared to the requirements set in other countries. In America, States set the minimum requirements for graduation—we do not have a central ministry of education as many other countries do—and our States vary in their requirements for high school graduation.

This chart depicts the average hours required by the States in the core academic subjects identified in our Goals 2000 legislation and compares that number to the requirements set for Japan, France, and Germany for their students in their last 4 years of secondary school. You can see that the American States require less than half of these countries—about 2 hours a day of academic instruction—assuming a 180-day year.

While the data are not quite so clear with respect to the amount of time which students actually spend on core academic subjects, as those subjects are defined in Goals 2000—as opposed to the amount of time required by the States—it appears from the data we do have that students do not spend any more than 3 hours a day on core academic subjects—still far short of the German, Japanese, and French students. Is it any wonder that American students do so poorly on international comparisons?

In "A Nation at Risk," released 11 years ago last week, it was recommended that States adopt a core curriculum of requirements for all high schools: 4 years of English, 3 years of math, 3 of science, 3 of social studies, and 1½ years of computer science. In 1990, fewer than half the high school graduates had completed that core set of requirements. It is clear that even within the time we have alloted our schools, that time is not being used enough for the kind of instruction that students must have in order to compete with their counterparts in other countries.

The simple fact is, in many of our schools, student have been permitted and in fact in some cases encouraged to take course work which does not have a core academic basis. We had one of the members of the Commission speak very eloquently last week at a press conference where the report was released, saying it is not unusual for a high school senior in this country to have his or her school day made up of one or at the most 2 hours of academic instruction while the rest of the time would be spent on weight lifting and crafts and lunch and study hall. We are not doing right by our students in permitting this kind of instruction.

We seem mired in old notions of a school day and a school year and in old notions of how students should spend their time. Now, as we undertake major efforts at school reform through Goals 2000 and the reauthorized Elementary and Secondary Education Act, we need to revisit those old notions and rethink our commitment to a school day and school year that no longer reflect the modern work schedule or modern educational demands in a global economy.

The report makes eight recommendations. Some can be achieved only by local communities and schools. But others can be acted on at all levels of government. The eight recommendations are:

Reinvent school around learning, not time;

Fix the design flaw: Use time in new and better ways;

Establish an academic day;

Keep schools open longer to meet the needs of children and communities;

Give teachers the time they need;

Invest in technology;

Develop local action plans to transform schools;

Share the responsibility: Finger-pointing and evasion must end.

We in the Congress can do quite a bit to help implement the recommendation about reinventing the school around learning, not time. Goals 2000 is a first step in that direction and ESEA will provide more help for schools that wish to reinvent themselves. We can also help schools stay open longer to meet the needs of children and families.

There are various proposals in the ESEA and elsewhere to support schools in their efforts to stay open longer hours so that community services can be provided on the school site, although not necessarily at the school's expense. The professional development title in the proposed ESEA bill provides significant new moneys for professional development, including moneys to give teachers time for that development. And, of course, the Technology for Education Act, S. 1040, which I introduced last spring with Senators KENNEDY, HARKIN, and COCHRAN, will provide important investment

in technology in the schools so that learning time can be more efficient and more effective.

Yet, for all these efforts, there still remains much more that we in Congress can do to help schools free themselves from the shackles of time. I will be proposing an amendment to ESEA to provide grants to schools to support efforts to implement the report's recommendations.

Last week, at the press conference announcing the release of the report, we heard from the principal of an elementary school in New Stanley, KS, which, with the help of a grant from RJR Nabisco, developed an innovative blueprint for learning that extended the school day and year, combined with other innovations in teaching and curriculum. When the Nabisco grant ran out after 3 years, the New Stanley school community was so pleased with these innovations, including the extended year and day, that the community supported the increased spending which was required to maintain those changes once the grant money was gone.

The Federal Government can help schools in a similar way, by providing seed money to spur change, which local communities can then support themselves once those innovations are shown to meet local needs.

We are not suggesting the Federal Government should legislate a school year of a certain number of days. But we are saying that in order to reach the high goals and standards for education that we have set as a Nation, we have to recognize more time is required in actual instruction.

There are doubtless other kinds of support which we can give schools to help them implement the recommendations of this report. I hope that the report itself together with the forums and other outreach activities which the Commission will be undertaking over the next several months will provide further support to efforts all over the country to rethink and revise time for schools.

I hope that we will give serious thought to the recommendations of this report. It is a fine piece of work and a very important contribution to the debate about school reform. I commend Dr. Goldberg and the Commission on their efforts in bringing this to the Congress and thank them for fulfilling so well the charge Congress gave them. I just hope that we do not lose sight of the importance of these issues and the urgency of these recommendations, because I do not think that we can realize the promise of Goals 2000 or of the reauthorized ESEA if we do not release our children and their schools from the prison of time.

I will be working with the members of the Time and Learning Commission to see the results of their report and their recommendations are as widely publicized as possible throughout the country.

Mr. President, at this point I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call the rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, has leader's time been reserved?

The PRESIDENT pro tempore. The Senator is correct. The Senator wishes to be recognized under leader time. The Republican leader is so recognized for not to exceed 10 minutes.

SOUTH AFRICA

Mr. DOLE. Mr. President, South Africa has a new President—Nelson Mandela. This courageous man's political journey inspires the world: from opposition politics, to decades of imprisonment, to the Presidency of his country. And President Mandela may now face the toughest challenge of all—ruling a country where expectations are high, where violence is widespread, and where some wish him to fail.

As he faces difficult decisions in the days ahead, President Mandela can call on another South African hero of the democratic transition: F.W. de Klerk. In the late 1970's, white South Africans were told to "adapt or die" by one of their own. It took another of their own, President de Klerk, to make change a reality.

President de Klerk promised to end apartheid, and he did. President de Klerk promised to hold free and fair elections and he did. So while we all congratulate South Africa's new President on the day he is sworn in, we should also remember the past President who shares in the triumph of freedom in South Africa.

Yesterday, Nelson Mandela said, "We speak as fellow citizens to heal the wounds of the past with the intent of constructing a new order based on justice for all." As South Africa's Government of National Unity is formed, I wish President Mandela and all South Africans the best as they embark on their historic path.

Is morning business closed?

The PRESIDENT pro tempore. Morning business is closed.

Does the Senator wish to continue?

Mr. DOLE. I reserve the remainder of my leader time.

The PRESIDENT pro tempore. The time is reserved.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 2042, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2042) to remove the United States arms embargo of the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDENT pro tempore. The Republican leader.

AMENDMENT NO. 1692

(Purpose: To propose a substitute for S. 2042)

Mr. DOLE. Mr. President, I send to the desk a substitute amendment and amendments in the first and second degree.

The PRESIDENT pro tempore. Under the previous order, the Senator is authorized to offer a substitute amendment and first- and second-degree amendments and a modification to the second-degree amendment thereto.

Mr. DOLE. I send the modification to the desk. I might say, this has been cleared by the other side.

The PRESIDENT pro tempore. The clerk will report the substitute amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1692.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

AMENDMENT NO. 1693 TO AMENDMENT NO. 1692

(Purpose: To propose a 1st degree amendment to the substitute amendment for S. 2042)

The PRESIDENT pro tempore. The clerk will read the amendment in the first degree.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1693 to amendment No. 1692.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

AMENDMENT NO. 1694 TO AMENDMENT NO. 1693

(Purpose: To propose a second-degree amendment to the first-degree amendment to the substitute amendment for S. 2042)

The PRESIDENT pro tempore. The clerk will now read the second-degree amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. LIEBERMAN, Mr. MACK, Mr. LUGAR, Mr. LEVIN, Mr. MCCAIN, Mr. HATCH, Mr. FEINGOLD, Mr. DORGAN, Mr. MCCONNELL, Mr. HELMS, Mr. SIMPSON, Mr. COVERDELL, Mr. DECONCINI, Mr. GORTON, Mr. KEMPTHORNE, Mr. D'AMATO, Mr. PRESSLER, Mr. ROTH, Mr. BROWN, Mrs. HUTCHISON, Mr. WALLOP, Mr. BRADLEY, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. ROBB, Mr. STEVENS, Mr. THURMOND, Mr. PACKWOOD, Mr. REID, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. MURKOWSKI, proposes an amendment numbered 1694 to amendment No. 1693.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "**SEC.**" and insert the following:

". UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

"(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of arms to the Government of Bosnia and Herzegovina.

"(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

"(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

"(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

"(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

"(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

AMENDMENT NO. 1694 TO AMENDMENT NO. 1693, AS MODIFIED

(Purpose: To modify the proposed second-degree amendment to the first-degree amendment to the substitute amendment for S. 2042)

The PRESIDENT pro tempore. The Chair inquires to which amendment the modification is addressed.

Mr. DOLE. The modification is to the second-degree amendment.

The PRESIDENT pro tempore. The clerk will read the modification.

Mr. DOLE. Mr. President, I will explain what the modification is.

This is a simple modification to address the concern raised by some that the language prohibiting the executive branch from enforcing the arms embargo could inadvertently allow the transfer of nuclear or other advanced weapons to Bosnia.

The modification makes clear only conventional weapons appropriate to the self-defense of Bosnia would be allowed. That is the only purpose of the amendment.

As I understand it, I have a right to make that modification.

The PRESIDENT pro tempore. The Senator has that right.

The amendment, with its modification, is as follows:

Strike all after the word "**SEC.**" and insert the following:

". UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

"(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of conventional arms appropriate to the self-defense needs of the Government of Bosnia and Herzegovina.

"(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

"(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

"(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

"(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

"(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment."

Mr. DOLE. Mr. President, I ask unanimous consent that until the Senate recesses for the party conferences today, that there be debate only on S. 2042, the Bosnia arms embargo legislation.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. It will be so ordered.

Mr. DOLE. That is the request of the leaders on both sides.

Mr. President, I know with all the things that may be happening around the world today in South Africa—and some of our colleagues are there for the inauguration of President Mandela—we read about the tragedy in Rwanda, we look at the Mideast with some hope, there are a number of areas I know have the focus of the administration and the Congress and the President.

But I know of no area that deserves more consideration by this body than Bosnia. So what we are attempting to do in a bipartisan way—we have more than 30 cosponsors, myself and Senator LIEBERMAN, so it is bipartisan, a number of Democrats, a number of Republicans—all we are attempting to do with our amendment is to lift the arms embargo on Bosnia on a unilateral basis.

And I might say at the outset, we prefer that it be lifted by our allies at the same time. But if they are not persuaded, then I think America should take the high moral ground so the world may know that at least the United States, if we do nothing else, we are not going to prevent people from defending themselves. That is essentially what we are doing now. We are telling the Bosnians, you cannot defend yourselves; you cannot have defensive weapons; you cannot have antitank weapons. They are now fighting tanks with rifles.

I met, along with Senator LIEBERMAN, with the Vice President of Bosnia, Mr. Ganic. He told us they had 8 tanks and the Serbs have over 300. He told us they had 1 rifle for every 4 men. Now, it is not a fair fight. The Serbs have most of the weapons that the Yugoslav army had. And I know that some say, well, if you lift the arms embargo, you escalate the violence; you permit the Bosnians to inflict some pain on the Serbs and we would rather

have it one way; we would just as soon have only the Serbs inflict the pain because it is less violence.

My view is that that violates article 51 of the U.N. charter which provides for the right of self-defense. Bosnia is an independent nation. It is a member of the United Nations. They have already lost a half or more of their territory, some say 70 percent. We will have to make a decision here someday, if there is a peace accord, whether we should send 5,000, 10,000, 25,000 Americans to Bosnia. To do what? To enforce a peace agreement that favors the Serbs, because they have been the aggressors. The Bosnians have not been the aggressors. The Croats have not been the aggressors. It has been the Serbs.

For 2 years now we have facilitated Serbian aggression and ethnic cleansing because we have prevented the Bosnians from defending themselves.

And again I would say that the Vice President of Bosnia said that all we want is a limited quantity of defensive weapons, not for offensive purposes but for survival, survival.

When President Clinton was candidate Clinton and campaigning across America he correctly said, "In effect, we're giving a big advantage to the Serbians when there can't be any arms sales" to any Balkan States. "We can't get involved in a quagmire," Governor Clinton said, "but we must do what we can."

And I think at the outset it was my hope, and I think Senator LIEBERMAN's hope, that we would strengthen the President's hand. We did not offer this to have any confrontation with the administration or with the President. But we thought we should help the President do what is morally right in this case and help provide the leadership. In my view, unless the United States is providing the leadership, nothing of any import is going to happen.

So they have 8 tanks to 300, 1 gun to every 4 Bosnian soldiers. They are not asking for American troops. They are not asking for offensive weapons. They are ready to defend themselves, if only they had the means to protect themselves, their homes, and their families.

We have witnessed on CNN shelling of an emergency room, the Red Cross, shooting children in front of their parents, killing children in front of their parents. It seems to me that as Americans we have a special history and a special understanding for the plight of the Bosnian people. America was once a colony, and we struggled against the odds for our independence. So I think we can certainly sympathize, but we need more than sympathy, for the Bosnians; all they want is their freedom and their independence.

But they have had their fate snatched from their hands and placed in the hands of the U.N. Security Council. No doubt about it, I think even the President acknowledged and our Ambassador to the United Nations has acknowledged that in a sense—the international community approach has been one of weakness and hypocrisy. Genocide has not been halted; it has been managed. Aggression has not being halted; it is being supervised.

The international community's policy has been a failure, and the American people know it. A CNN/Time magazine poll conducted last week indicates that only 19 percent of those polled believe United States policy in Bosnia has been a success, while 59 percent believe it has been a failure.

The United Nations and NATO say that genocide will not be tolerated in U.N. "safe havens," but outside those areas ethnic cleansing rages on. In Gorazde, one of those U.N.-declared safe havens, limited action was taken but only after the city was nearly destroyed and hundreds were killed. Now Bosnian Serbs are massing their forces in the Brcko area for a new offensive, but this region is not protected even in theory by NATO air strikes.

Last week, two planes were hit by gunfire on the way to Sarajevo and Bosnian Serbs blocked a convoy bound for the beleaguered people of Gorazde. Nevertheless, negotiators were in Sarajevo at the end of the week talking peace.

The latest news reports are more shocking. Pursuant to a deal cut by U.N. Special Representative Akashi, U.N. Protection Forces allowed Bosnian Serb tanks to have free passage through the Sarajevo exclusion zone, in blatant violation of the February NATO ultimatum.

In addition to assisting Bosnian Serbs in violating the NATO ultimatum, the U.N. Protection Forces helped the Bosnian Serbs to redeploy their tanks, no doubt, so they can begin new offensives elsewhere—and we are picking up a big part of the UNPROFOR tab. Today's reports indicate that some of these tanks are now missing within the Sarajevo exclusion zone.

Moreover, this morning there are reports that UNPROFOR officials are finally admitting that the Bosnian Serbs are still violating the NATO ultimatum on Gorazde, with troops and heavy equipment.

Prime Minister Silajdzic has demanded U.N. Special Representative Akashi's resignation, and I think he is correct. In fact, Senator LIEBERMAN and I last week had a telephone conversation with the Prime Minister, and again he made the case that all we want is defensive weapons, antitank weapons, whatever we can get to defend ourselves.

I have also called repeatedly for Akashi's resignation. Akashi's approach is one of appeasement. He meets with war criminals and calls them friends. And when the United States refuses to send soldiers under U.N. command he calls us timid. Akashi should be sent packing to a post far away where his weakness and indecisiveness will not cost lives.

Tragically, the international community has shown consistence—in its weakness and lack of principle. As innocent civilians are slaughtered daily, international leaders invite war criminals to Geneva to discuss peace. U.N. officials speak of the need for neutrality, as though they are referees in a sporting match. The problem is that this game is aggression and the referees are creating an unlevel playing field. Remember, the United Nations was established to protect member states against aggression, not to help foster it, not to choose up sides and not to make excuses for the aggressors as they have done in nearly every case, either Boutros Boutros-Ghali or his representative, Mr. Akashi.

Mr. President, how do we bring an end to this multilateral madness? I would have preferred not to have had to offer this legislation. I would have preferred that the President call the congressional leadership to tell us of the decision to lift the U.S. embargo. But this issue has waited long enough. The Bosnians have waited long enough. The war has gone on for 25 months, and we have passed resolutions and the U.N. passed resolutions. There has been international hand-wringing and tough talk and tough rhetoric and nothing ever happens. We have had pilots flying over certain zones where they might have had air strikes, waiting for somebody in the United Nations to tell NATO it is all right for the pilots to take action.

And it confuses me, I might say, and confuses most of the people in America. That is why those who support our policy in a recent policy are at about 19 percent.

President Clinton says he wants to lift the embargo but only multilaterally. But do not get me wrong; the Bush administration, too, deserves its fair share of this policy. But the Clinton administration has been in charge now for more than a year. And I made the same statements during the Bush administration. During the Bush administration, we kept talking about an undivided Yugoslavia even after free elections in Slovenia, after free elections in Croatia, even after it was obvious that Milosevic was moving for this greater Serbia, obvious that 2 million Albanians in Kosova were probably going to be the next target, or maybe Macedonia or maybe somewhere else.

So we gave them the caution light, and kept talking about not dividing Yugoslavia when it was obvious it was going to be divided in any event.

But this administration is continuing the Bush policy of denying the Bosnians the ability to defend them-

selves. Mr. President, this bill is about leadership—U.S. leadership in doing what is just and what is in the U.S. interest. Lifting the arms embargo is in both Bosnia's interest and in the United States interest. But the arms embargo will not be lifted if America waits for a consensus to miraculously emerge either within the U.N. Security Council or in NATO. The United States must act first.

Many of us are going to go over to Italy and Normandy in 2 or 3 weeks. We are going to talk about a lot of things. It is going to be a very emotional ceremony. But what is going to be indelibly imprinted on our minds again is how important American leadership is.

What would have happened in the last 50 years had America not entered World War II? I am not suggesting we enter into any armed conflict in Bosnia. But, what would have happened if we had not provided the leadership? Where would we be today? Would we be meeting in the U.S. Senate under the charge of somebody Hitler passed on?

Only when American leadership is provided, only when the world understands that America is providing leadership and we are serious about what we intend to do, can we have cooperation, because, whether we like it or not, we have the burden of world leadership. We may not fully appreciate it. We are respected around the world, with some exceptions. They respect our leadership because historically America stood its ground. We have taken the high moral ground. What we are saying is, OK, we are not going to do anything in Bosnia, but we certainly are not going to deprive the people of a right to defend themselves. We would not do that if we had a street fight somewhere if somebody was unfairly matched. We might at least give them a right to defend themselves.

That does not risk any American lives, and that does not risk any American capital. It just says to these poor people, children, and innocent women and men, who have been slaughtered, that you have a right to defend yourselves. Once the Serbs understand that the Bosnians are going to be allowed to defend themselves, then I think you will see some real negotiations and maybe a peaceful settlement.

So my hope still is that we will pass this bill. I know the administration is opposed to it. I know some of my colleagues are opposed to it, unless it can be done with our allies. We are not France. We are not Britain. We are the United States of America. We are the world's leader. We ought to take that position, and we ought to do it proudly. And we ought to say we are going to lift the arms embargo. You can remove all the U.N. troops. We do not want any lives endangered. But we are the United States of America. We are the United States of America. We want to stop the slaughter. We want to give them at least an even chance. If the British do not like it and if the French do not like it, that is too bad. Because history is going to take a look at this era in the next 10, 15, or 20 years. And unless I am totally wrong, they are going to say this was a sad and tragic chapter in international history. And if we participate in it by just going along waiting for some consensus to develop, then we are going to be criticized for our lack of leadership.

So, Mr. President, I think the legal arguments are clear, too. We have to keep in mind that the arms embargo was imposed on Yugoslavia. Yugoslavia no longer exists. How can we have an arms embargo in a country which no longer exists? This was all done before Bosnia was recognized and admitted into the United Nations as a member state.

Bosnia and Herzegovina is the victim of international aggression and is guaranteed the right to self-defense under article 51 of the U.N. Charter. One of the cosponsors of this bill, the distinguished Senator from New York [Mr. MOYNIHAN] is a former Ambassador to the United Nations and has perhaps the deepest understanding of the international legal questions associated with this matter. Another former U.S. Ambassador to the United Nations, Jeane Kirkpatrick, has also extensively discussed and written on this issue—and supports this bill. Even our current U.S. Ambassador to the United Nations, Ambassador Albright, stated a few days ago that: "The bottom line here is that this is not a legal issue, it is a political issue."

It is not a legal issue because the arms embargo is illegal, which brings me back to the leadership. The political issue is U.S. leadership. Is the United States going to continue to go along with and subsidize failed U.N. Security Council policies—including an illegal arms embargo?

If we are going to do this, I may offer an amendment to cut off any funding. Why should we subsidize it? Why should the taxpayers subsidize it if only 19 percent approve of the policy? Are we going to break the cycle of failure which has left Bosnia in ruins and which threatens to drag us into the quagmire of implementing a peace settlement which rewards aggression?

That is some precedent I do not think we wish to be a part of. So they say, OK, go ahead and take their country. Take 60 percent of it. Take 70 percent of it. We will send American troops to make certain they do not get any of it back.

I do not really believe that is going to be an easy sell in the Congress of the United States or with the American people, again, when 59 percent do not support our present policy.

In my view, it is not in the U.S. interest to send thousands of U.S. troops to implement an unjust and unworkable settlement. The administration is now participating in a contact group which includes the British, French, Germans, and Russians whose main objective is to persuade the Bosnian Government to accept 51 percent of Bosnia, while allowing the Bosnian Serbs to retain 49 percent of Bosnia.

Is that supposed to be something they would welcome? You get to keep 51 percent. What are you complaining about?

This is a peace-at-any-price policy. In a recent meeting, Jeane Kirkpatrick made the point that the United States does not have a stake in where borders are drawn, but how they are drawn. At present, the map of Bosnia is a map of aggression. The negotiators' map is one of slightly reduced aggression.

So you have major aggression. So, OK, you cannot have 70 percent, but we will give you 49 percent. So everybody wants to end the war. The President does. The Congress does. The people do, and particularly the people in Bosnia who have been pummeled, who have suffered and been shelled and whatever for the last 25 months.

But how can anyone reasonably argue that this sort of resolution will serve U.S. interests? Are we really going to place our troops in harm's way to police the division of Bosnia? Are we talking now about sending troops?

The only viable solution to the war in Bosnia is to lift the arms embargo on Bosnia. Last week, former Prime Minister Margaret Thatcher, once again made the case for lifting the embargo, in an op-ed in the New York Times. Lady Thatcher cites four reasons why the United States and Europe have important interests at stake in Bosnia and they are: First, the credibility of the West—and we do not have very much—NATO, and the United Nations; second, the message our weakness sends to other would-be aggressors; third, the expansion of Serbian aggression that would lead to a wider Balkan war; fourth, the potential for a wider war to create floods of refugees across Europe. Yesterday, Albert Wohlsetter, in an op-ed in the Wall Street Journal called the present policy toward Bosnia, "Genocide by Embargo."

In other words, we are not going to stand by and watch it. We do not want to call it genocide.

So it seems to me that wherever you look, there are rather compelling reasons for the United States to act, not by sending ground troops, not even with air strikes at this point—though I would support air strikes if the President suggested that—but by helping the Bosnians defend themselves. And I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 9, 1994]

GENOCIDE BY EMBARGO

(By Albert Wohlsetter)

Since June 1991, the United States has used its own diplomacy and the U.N. Security Council in a grim charade of "neutral mediation" between a Serbian genocidal aggressor and his victims. France and Britain have done likewise using the Security Council and the European Community.

They have used the brave efforts of private humanitarian agencies to excuse their own failure to stop the Serbs, ignoring the fact that this enormous human catastrophe is not the unintended byproduct of war: It is ethnic cleansing, the deliberate slaughter of innocent civilians, the destruction of their private homes and public places of worship and assembly, and the systematic rape of women to inspire terror and flight for the strategic purpose of creating Slobodan Milosevic's Greater Serbia. Western leaders have sponsored the use of peacekeeping forces where there is no peace but only an ongoing genocidal war.

Such mediation, misuse of relief efforts, and peacekeeping encouraged Mr. Milosevic's genocidal war and its continuance. The U.S. did not bring about such horrors as those in Rwanda, but the U.S. and the other democracies have played a major role in bringing on the genocide in the Balkans. They have much to make up for. Most obviously, they have an obligation to disavow and erase the persistent effects of their diplomatic moves that first deprived the victims of recognition and so the right to acquire arms for self-defense and, second, in a largely covert and totally invalid maneuver, kept the victims from defending their independence even after we and the rest of the world recognized it.

OPEN WAR

Mr. Milosevic started his open war in Slovenia when Western statesmen told Slovenian and Croatian leaders—and Mr. Milosevic—they would not recognize the results of an internationally monitored plebiscite they themselves had asked for in Slovenia and Croatia. The results were overwhelming for independence, or for at least a looser federation.

By refusing recognition, Western leaders made clear at that point that they would continue to prevent Croats and Slovenes from getting the means of defending their independence against Mr. Milosevic's heavily armed proxies. Then, in September 1991, the U.N. Security Council, at Mr. Milosevic's request and with U.S. backing, put through an arms embargo to keep Croatia outgunned. After that, much internal negotiation within the European Community led to a scheduled European recognition of Slovenia and Croatia on Jan. 10, 1992.

On a mission to Yugoslavia shortly before that, however, the representative of U.N. Secretary-General Boutros Boutros-Ghali simply "told all interlocutors" that the embargo would continue to apply to all countries formed on the territory of the former Yugoslavia, even after they became recognized as independent nations by the international community, including the EC and the U.N. This was a deliberately obscure maneuver, nowhere overtly visible in the labyrinth of words in U.N. Security Council Resolution 727, which was passed on Jan. 8, 1992. Resolution 727, nevertheless, has been taken as continuing the embargo.

In effect, Resolution 727, coming barely two days before the European Community recognized Slovenia and Croatia, was a ploy to empty of any operational meaning the coming world recognition of the independence of Slovenia and Croatia. Besides violating Article 51 of the U.N. Charter, which acknowledges that the right of individual and collective self-defense is "inherent," the ploy violated the Geneva Convention on Genocide as well. The U.N. mediator had no authority from the Security Council. And, as many experts on international law have shown, the Security Council had and has no authority to change the U.N. Charter.

The U.S. should not simply declare that there is no valid embargo on the sovereign nations who are the victims of continuing Serbian genocide. That declaration would not (as has been suggested) even remotely endanger the operation of the embargo against Iraq. The embargo against Iraq applies not to its victims but to the genocidal invader of Kuwait, which was defeated by a U.S.-led coalition of some willing NATO members and other interested countries. The embargo resulted from the defeat and surrender of Iraq. It was a condition of the coalition's ceasing to fire. Unlike the embargo against the ex-Yugoslav republics, it is embodied in the explicit language of a U.N. resolution. The credibility of the U.N. as an impartial body is threatened by the continuance of the embargo against former Yugoslav republics under siege.

The U.S. need not and should not condition its declaration on an agreement by the U.N. Security Council (the General Assembly has already called for a lifting of the embargo) or even all the members of the North Atlantic Treaty Organization. Russia, as a permanent member of the Security Council, has said it would veto a council vote to lift the embargo. So have Britain and France, who are both permanent members of the Security Council and members of NATO.

However, in lifting the embargo, the U.S. will be joined by many in the General Assembly majority who, like President Clinton, have long called for lifting it.

One standard argument for continuing the embargo which has been repeated mindlessly and endlessly is that ending it would lengthen and widen the war. But depriving Serbia's victims of the arms that would have enabled them to stop the aggression has ensured the continuance of the war for nearly three years, and invited the Serbs to widen it when they were defeated by Slovenian guerrillas who were better prepared than the Croats, and especially the Bosnians, for a Serb onslaught. The Serbs widened the war to Croatia and then to Bosnia and have already started further widening by their operations in the Sandjak.

GROTESQUE ARGUMENT

Another argument for allowing the Serbs to continue their genocide with minimal opposition runs that arming the victims might endanger humanitarian relief. But in spite of the bravery and selflessness of the relief workers and of many of the U.N. soldiers, humanitarian relief is no substitute for stopping the genocidal assaults on the civilians. It is grotesque to argue that the use of force to stop the Serbian shelling of hospitals, marketplaces, churches, homes, etc. must be abandoned because it would put at risk the convoys of humanitarian aid. A convoy that brought bandages and anesthetics for surgeons who are forced to amputate the legs of children can hardly substitute for stopping attacks that continue to blow off the legs of children.

Nearly three years of craven meddling by the democracies have led only to continuing disaster. Hopeful claims after the latest near-ceasefires in Sarajevo and Gorazde that "diplomacy is working"—like the dashed hopes after each broken ceasefire for three years—are deadly. But the administration recently helped to broker an essential alliance between the Croats and Bosnians to resist Serbian aggression. Let that alliance defend itself. Lift the embargo.

[From the New York Times, May 4, 1994]

STOP THE SERBS—NOW—FOR GOOD

(By Margaret Thatcher)

We have been here so many times before in the Bosnian saga: acts of barbarism by the Serbs, the mobilization of a shocked international conscience, threats of air strikes (or actual air strikes, of the most limited kind), a tactical Serbian withdrawal, more talks aimed at persuading the warring parties to accept a carving up of territory that rewards aggression. Then the Serbs move on to yet another Bosnian community, applying the same mixture of violence and intimidation to secure their aim of an ethnically pure Greater Serbia.

The tragedy of Gorazde may for now at least be over. But there are other towns of equal strategic interest on which the Serbs are now free to concentrate their forces. Yesterday the U.N. intervened to head off a Serbian attempt to expand the Breko corridor in northern Bosnia, but such interventions merely divert Serbian aggression. It is time to halt it—late, but not too late. We have the justification, the interest and the means.

A sovereign state, recognized by the world community, is under attack from forces encouraged and supplied by another power. This is not a civil war but a war of aggression, planned and launched from outside Bosnia though using the Serbian minority within it. The principle of self-defense precedes and underlies the United Nations Charter. The legitimate Government of Bosnia has every right to call upon our assistance in defending its territory. That is ample justification for helping the victims of aggression.

And both the United States and Europe have real and important strategic interests in Bosnia. Let me note four of them.

First, after all that the West, NATO and the U.N. have now said, the credibility of our international stance on every security issue from nuclear nonproliferation to the Middle East is now at stake.

Second, would-be aggressors are waiting to see how we deal with the Serbs. Our weakness in the Balkans would have dangerous and unpredictable consequences in the former Soviet Union, which has Slavic nationalist forces that closely parallel those of Greater Serbianism. And throughout Eastern and Central Europe there are minorities that aggressive mother-states might be tempted to manipulate to provoke conflict, if that is allowed to pay in the case of Serbia.

Third, Serbia's own ambitions are by no means necessarily limited to Croatia and Bosnia. Kosovo is a powder keg. Macedonia is fragile. Bulgaria, Hungary, Greece, Albania and Turkey all have strong interests that could drag them into a new Balkan war if Serbian expansion and oppression continue unchecked.

Fourth, the floods of refugees that would cross Europe—particularly in the event of such a wider conflict—would further inflame extremist tendencies and undermine the stability of Western governments.

The West has the means—the technology and the weapons—to change the balance of military advantage against the aggressor in Bosnia. Since the beginning of the Serbian war of aggression, which began in the sum-

mer of 1991 in Slovenia, intensified in Croatia and is now consuming Bosnia, I have opposed the sending of ground troops to the former Yugoslavia. But I have said that humanitarian aid without a military response is a misguided policy. Feeding or evacuating the victims rather than helping them resist aggression makes us accomplices as much as good Samaritans.

So I have consistently called for action of two sorts: the launching of air strikes against Serb forces, communication centers and ammunition dumps; and the lifting of the arms embargo and Bosnia and Croatia so that the Muslims and Croats can defend themselves on more equal terms against the Serbs, who inherited the massive armaments of the Yugoslavian Army.

If such a policy had been pursued when I first proposed it on this page in the summer of 1991, at a time when Sarajevo and Gorazde were under serious assault, thousands of people would now be alive and in all probability the Milosevic regime in Belgrade would have fallen. Because this approach was not adopted, we now find ourselves in a far more complex and dangerous situation: trying to defend almost indefensible safe havens; maintaining a facade of neutrality when all our decisions are based on the knowledge that the Serbs are the threat, and with a large contingent of U.N. personnel whom the Serbs may choose to use as hostages.

The new joint effort by Russia and the West to persuade the Serbs to settle for 49 percent of Bosnian territory (down from the 72 percent they have now occupied) is hardly less rife with dangers. The Serbs will almost certainly not withdraw, and once the guns are quiet the Russians may not wish them to do so—nor may the West be prepared to revive the threat of bombing to force them. Even if they were to withdraw, their 49 percent of Bosnia would still represent a reward for aggression. And in either event, the ensuing peace would be an unjust and fragile one requiring a large contingent of Western (including U.S.) ground troops to enforce it on the victims. If hostilities resume, as is all too likely, these troops would become the target for attack.

So the formula of air strikes and lifting the arms of embargo is still the right one to apply. NATO already has the mandate from the U.N. Security Council not just to defend U.N. personnel but to deter attacks on the safe havens. This mandate gives full authority for the requisite launching of repeated large-scale air strikes against Serb military targets wherever these may prove effective. It is a matter for consideration whether strikes should go into Serbia itself.

Air strikes are effective, as long as they are not on a small scale, hedged with political hesitations and qualifications. They can inflict severe and ultimately unsustainable damage. But they have to be part of a clear strategy to shift the advantage against the aggressor. The Serbs must know that they will be carried out with swiftness and determination. Nor may Russian objections be allowed to stand in their way. If the Russians are prepared to support such action, all well and good. But NATO cannot have its policies entirely shaped by Russian sensibilities.

Lifting the arms embargo, as Senators Bob Dole and Joseph Biden have courageously proposed (the Senate is to take up the resolution tomorrow), is also crucial. That embargo was imposed before Bosnia and Croatia were internationally recognized, and its legal standing is at least questionable. The U.S., Britian and France—or if necessary, the U.S. acting alone—should formally state that they do not intend to continue with it.

Such statements might also be supported by a resolution of the U.N. General Assembly. The confederation between Bosnia and Croatia, so skillfully brokered by the United States, now means that supplies of arms will be used against the common aggressor, not against each other, and that they can easily be shipped in through Croatia. A well-armed Muslim-Croation alliance would confront the Serbs with a quite new and unwelcome challenge. It might even prompt the Serbs to settle.

I do not claim that this approach is without dangers. It would require diplomatic and military skills of a high order. It is unlikely to bring immediate peace—through it might. Some disruption of the aid effort is inevitable. But what the people of Bosnia now need is a permanent peace that allows them to return to their homes and live without fear. What the West needs is to restore its reputation and secure its interests. This is the only way those aims can be realized.

Mr. DOLE. Mr. President, I would like to take a few moments to review the other arguments made by some who question lifting the arms embargo and to respond to them.

First, lifting the embargo would stop the delivery of humanitarian assistance. Albert Wohlstetter described this argument as grotesque. In my view Margaret Thatcher said it best, "Feeding or evacuating the victims rather than helping them resist aggression makes us accomplices as much as good samaritans." If the Bosnians are armed, they have enough manpower to deliver their own convoys of food. Moreover, as the recent GAO report on the effectiveness of U.N. operations in Bosnia discovered, the United Nations has had only limited success in delivering humanitarian aid because it has not been consistently assertive.

Second, we cannot do it. There are all of these technical problems associated with arming the Bosnians. Some say it will not be easy to deliver arms or that the Bosnians will need training. It seems to me that these same arguments were made before we decided to arm the Afghan resistance.

I remember a lot of debate we had in here on the Afghan resistance or to provide arms to the Salvadorans. In any event, the Bosnians are better trained overall than the Afghans were. While logistics may be difficult, they are not impossible, since the Bosnians and Croatians managed to bring in some arms themselves. The bottom line is that the Bosnians have not asked us to solve these problems. They have not asked us to do that.

If the embargo is lifted, other friendly countries will also have the opportunity to assist the Bosnians, not just the United States, if we so choose.

The third reason is French and British opposition. The participation of the British and French in the U.N. Protection Forces is the main reason the British and French object to lifting the embargo. Well, the answer is simple: Take out the troops. Take out the U.N. protection forces. And until all troops have been evacuated, threaten the Bosnian Serbs with NATO airstrikes if any troops are taken hostage or harmed, and then be prepared to follow through. We do not want anybody hurt. We just want the Bosnians to exercise the right for self-defense.

The final, most ridiculous argument is that if we lift this embargo, it will undermine all the other U.N. embargoes. We have stated—and apparently the administration does not disagree—that the arms embargo against Bosnia is illegal and cannot be compared to the legal ones against Iraq and Libya. We need to remember that Iraq, like Serbia, is an aggressor state, while Bosnia is the victim of aggression. This is a major, major difference. We are imposing an embargo on somebody who is being subjugated—or whatever the term may be—by the aggressors, the Serbs.

So, Mr. President, it seems to me that all these questions—and there may be others, and there may be some that should be addressed, and we are going to have a rather lengthy debate on this very important issue—I think the real question, again, comes back to leadership. Are we prepared as a country, as the world leader—which no question about it is the United States—to exert the leadership necessary to end this illegal and immoral embargo in Bosnia and allow the Bosnians to defend their homes and families?

Whether or not it is too late or too difficult is not a decision for us or the international community to make. I have a feeling it is not too late. I have a feeling there are going to be a lot more atrocities committed and many other things are going to happen in that part of the world, in Bosnia, maybe in Kosova, maybe Macedonia, or somewhere else. I think this is a decision the Bosnians ought to make. We should not make up their minds and say, "Oh, it is too late," or too this, or not enough, or whatever.

Again, I will go back to the conversation we had with Prime Minister Silajdzic, when we were told—and this startled me; I did not know this—they had one rifle for every four men, and eight tanks in 300. It seems to me that the moral position is fairly clear.

I have to say, finally, it is their country and their independence and their future, and all they want us to do is to give them their right to defend themselves. I do not see that as anything that should require a great deal of debate. I mean, just because we might somehow offend the sensibilities of the French and British—who can take out their troops—or we can persuade them to lift the arms embargo, too. In my view, if this legislation passed, it would so strengthen the President's hand, that he would be in a very strong position to go to the British and French and say: Wait a minute, let us see if we cannot do something here, the right thing.

I will say, in conclusion, as I said at the outset several weeks ago: It was our hope that this was going to support the President; not in any way undermine him, but strengthen his hand. And based on former decisions and personal discussions with the President, I think he agrees with us.

I hope this legislation will pass, and if it passes, that it will be with strong bipartisan support and for the right reasons.

Mr. PELL addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, last Friday, the Senate began debate on a bill that directs the President to lift the United States arms embargo against Bosnia and Herzegovina. As we continue this debate today, I would like to review for my colleagues the points made in opposition to the Dole-Lieberman bill.

In January, the Senate voted to adopt a sense-of-the-Senate amendment to the State Department authorization bill calling on the President to lift the United States arms embargo against Bosnia. I was one of a few Members who voted against that provision, and I continue to hold to that position today.

As I said last Friday, I, in fact, found many of the arguments in favor of lifting the arms embargo to be quite compelling. Clearly, the people of Bosnia are suffering greatly, and Bosnian Government forces are outgunned by the Bosnian Serb aggressors, as we saw most recently in Gorazde. Although the NATO ultimatum of April 22 appears to have relieved the Serb bombing of Gorazde, regrettably, in other parts of Bosnia, the reckless violence against civilians continues.

As my esteemed colleague LEE HAMILTON and I wrote in a piece in last Thursday's New York Times, lifting the embargo appears to be a way of showing support and sympathy for the beleaguered government and people of Bosnia. It seems like an easy, cost-free solution.

It may make us feel better, but I believe it is bad policy that could yield disastrous results. I ask unanimous consent that at the end of my remarks, the piece from the Times be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Now, however, I would like to touch upon several of the reasons why I believe unilaterally lifting the embargo is a bad idea.

First, it would put the United States in the position of abrogating a United Nations Security Council Resolution, and in essence, breaking international law. Second, it could begin a process of unilateral United States involvement in the Bosnia conflict—or as some Senators have put it—start us down the slippery slope to greater engagement in the crisis. Third, unilaterally lifting the arms embargo could actually leave the Bosnian Government forces vulnerable to further Serbian obstruction of humanitarian assistance and brutal attack. Fourth, lifting the embargo at this time could upset the delicate peace process underway.

Many of my colleagues have made the point that the international community may be contributing to the problem by denying the Bosnian Government the right to defend itself. We have heard many times that we owe it to the people of Bosnia to "level the playing field." Some of my colleagues have made powerful arguments to that affect. I believe, however, that if steps are to be taken, the United Nations, not the United States going it alone, should take them. The embargo is in place as a result of a binding U.N. Security Council resolution and can only be abrogated by a subsequent U.N. Security Council action. A unilateral lifting of the arms embargo would set a dangerous precedent. Other countries could choose to ignore Security Council resolutions that we consider important—such as the embargo against Iraq and sanctions against Libya.

There have been recent reports that the international consensus on the embargo against Iraq may be at risk. Apparently, Turkey, France, Russia, China, and perhaps others are ready to support a lifting of the embargo on Iraqi oil sales. Some countries or companies may even be contemplating deals that violate the current sanctions regime. If the Senate were to signal its approval of a unilateral abrogation of a U.N. embargo, we would be giving a green light to those who may be looking for an excuse to violate the embargo against Iraq. In the long run, I would argue that containing the threat posed by Saddam Hussein is a higher United States priority than supplying arms to Bosnia. If the United States lifts the embargo on Bosnia—a step which by no means guarantees success—we would assuredly undermine international resolve on Iraq. In my opinion, taking a gamble on Bosnia is not worth destroying the coalition, the consensus we have worked so hard to build, on Iraq.

As many said in the previous discussion, U.S. integrity is on the line. I agree wholeheartedly. If the United States were to break the embargo on its own, we would destroy our credibility as a trustworthy leader in international affairs. A unilateral lifting of the arms embargo would undoubtedly strain our relations with Britain, France, Russia, and other countries with troops on the ground in Bosnia—and would undermine our trustworthiness in other international negotiations completely unrelated to the Bosnian tragedy.

I find myself in agreement with the sentiments expressed by other Senators 2 weeks ago that a unilateral lifting of the arms embargo could be perceived as the beginning of a United States decision to go alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo, and then walk away. We instead would assume responsibility for Bosnia not only in terms of our moral obligation, but in practical terms as well. Delivering weapons to Bosnia would likely require sending in United States personnel. Granted, this legislation states that nothing should be construed as authorizing the deployment of United States forces to Bosnia and Herzegovina for any purpose. But I want to emphasize that this would be a U.S. decision to dismantle the embargo. It would not be a U.N. decision, nor a NATO decision, nor a decision made with the support of other countries with a stake in the conflict. I therefore do not see how we can lift the embargo on our own without sending in the personnel to carry out the policy.

Lifting the embargo without international support would increase American responsibility for the outcome of the conflict. If we take unilateral action, we will assume the lead international role in Bosnia. If we were to take the initiative and supply arms on our own, our allies, who I admit, have not always been the most cooperative, could step back even further and say, "It may be our continent, but it's your job now to see this through; it's America's problem to solve."

Before we take any step that could lead to greater U.S. action—and I argue that unilaterally lifting the arms embargo would do just that—we need to answer some serious questions. A year ago this month, I wrote an op-ed piece in which I stated:

> Terrible human-rights abuses—torture, rape and slaughter—run rampant in Bosnia. But as horrible as the situation is there, other parts of the world—Kashmir, Cambodia, Nagorno-Karabakh, Sudan, and Liberia—are also experiencing reckless violence and grave abuses that breed instability.

Sadly, in the year that has passed since I wrote those words, the carnage in Bosnia has continued, and more countries have been added to my list—Rwanda, Haiti, Yemen.

A year ago, I asked: "Why should we intervene in Bosnia? Why is Bosnia different from other places of conflict in the world? What are American interests in Bosnia?" Regrettably, we are no closer to having answers to those questions today than we were a year ago. Without those answers, I cannot support any action that would launch us headlong into a military quagmire.

I am concerned too, about the negative impact that lifting the arms embargo could have on the Bosnian people. I know that the Bosnian Government has asked that the arms embargo be lifted, and it may appear rather pre-

sumptuous for us to tell the Bosnian Government that we know what is best for it. But if the United States were to lift the embargo on our own, our allies with troops on the ground would very likely pull out of portions of Bosnia, leaving the Moslem enclaves even more vulnerable to Bosnian Serb attacks and the obstruction of the delivery of humanitarian relief supplies.

There would likely be a lagtime too—anywhere from 6 weeks to 6 months by many estimates—for weapons to be delivered to Bosnia. During that lagtime, the Serbs will undoubtedly move swiftly to crush Bosnian Government forces. Moreover, the United States will receive the brunt of the blame when hundreds, if not thousands, of Bosnians die from lack of basic supplies.

Finally, a unilateral lifting of the embargo could endanger progress on the international negotiations underway and jeopardize the gains made to date through diplomacy. If we were to lift the arms embargo, all parties to the negotiations would lose incentive to reach a negotiated settlement. In characteristic fashion, the Bosnian Serbs would likely rush to grab even more land before arms could be delivered to the Bosnians; the Bosnian Government may take the lifting of the arms embargo as a signal that the United States intends to intervene, and may lose interest in a negotiated settlement; Croatia, currently in a fragile alliance with Bosnia, would either prevent the transit of the arms across its territory or insist upon its own cut, potentially upsetting the delicate negotiations occurring between Serbia and Croatia over the status of the U.N. protected areas in Croatia.

Admittedly, the diplomatic process in the Balkans has not been perfect. There continue to be setbacks, but there also have been some important accomplishments, including the breaking of the siege of Sarajevo and the signing of a peace agreement between Moslems and Croats in Bosnia. If we build upon these and other accomplishments, we have the hope of a comprehensive peace. I, for one, believe it unwise to upset the sensitive negotiation process now underway.

I acknowledged earlier that I see merit in some of the arguments of the bill's proponents. This is a difficult problem that cuts across partisan lines and that slices to the heart of issues related to U.S. influence and power abroad. We are, as public servants, called upon to exercise our best judgment on this very difficult issue. My conscience tells me that unilaterally lifting the arms embargo is the wrong thing to do, and I therefore must oppose this bill.

EXHIBIT 1

[From the New York Times, May 5, 1994]

DON'T ARM BOSNIA

(By Claiborne Pell and Lee H. Hamilton)

WASHINGTON.—When the Bosnian Serbs unleashed their fierce attacks on Gorazde last month, sentiment grew for the United States to lift the embargo that is keeping arms from reaching the Bosnian Muslims. The Senate is to take up that debate today.

Bosnia has suffered much in this vicious war. Lifting the embargo would be a way of showing support and sympathy for its beleaguered Government and people. It seems like an easy, cost-free solution. But it is a bad idea. Lifting the embargo will neither level the playing field, as proponents argue, nor help the Bosnian cause.

While President Clinton says he wants to lift the embargo, he has also repeatedly said that he will not do so unilaterally. No permanent member of the United Nations Security Council supports lifting the embargo. Yet some members of Congress now advocate unilateral action.

What would happen if the U.S. acted alone to lift the arms embargo? First, it would Americanize the war, signaling that the U.S. was entering on the side of the Bosnian Muslims. We would become responsible for Bosnia's fate.

Second, unilateral action would encourage others to violate sanctions elsewhere, in particular the embargoes on Iraq and Libya. To Bosnia's detriment, it would encourage other countries to violate trade and financial sanctions against Serbia.

Third, to lift the embargo now would send exactly the wrong signal at a fragile and pivotal moment in the peace talks.

For the Muslims, it would hold out the unrealistic prospect of better weapons, U.S. intervention—even victory. The Bosnian Government would lose interest in a negotiated settlement. The Serbs, understanding that the Muslims might get more arms, would move swiftly to crush Bosnian Government forces. Both sides would be tempted to intensify a war that neither can win. Peace elsewhere in the Balkans would be undermined.

That's not all. The U.N. Protection Force in Bosnia would come under fire. Those with troops on the ground, including Britain, France and Canada, would come under heavy domestic pressure to withdraw. If the U.N. forces left, the humanitarian mission in Bosnia—on which two out of three Bosnians depend—would be at risk, and the U.S. would be blamed.

NATO, meanwhile, is working closely with the United States on a strategy of force and diplomacy for a peace settlement in Bosnia. If we lifted the embargo unilaterally, that strategy would fall apart, opening a serious rift in the alliance. And relations with Russia would suffer, since Moscow would find itself under great pressure to provide arms to the Serbs.

Lifting the embargo is not as easy as it sounds. Who would provide the weapons, and how would they be delivered to the landlocked Bosnian forces? And who would train the Bosnians?

The legal basis for lifting the embargo is shaky, too. Proponents selectively cite the U.N. Charter, saying it guarantees the right of "individual or collective self-defense." But it also says this right cannot negate Security Council action to maintain or restore international peace and security.

Despite setbacks, we now have our best opportunity in three years to try to end this war. Diplomacy is working: since February there has been an end to the sieges of Sarajevo and Tuzla, a peace agreement between Muslims and Croats in Bosnia, a formal ceasefire between the Croatian Government and Serbs in Croatia, a dramatic overall reduction in fighting throughout Bosnia and an end to the shelling of Gorazde. Talks on a comprehensive peace are at a delicate stage. Only those talks can end the fighting.

The U.S. does not want to become a party to this war. We do not have vital national interests; what we do have are pressing humanitarian and political interests in ending the fighting. A negotiated settlement is precisely what the Administration, NATO, the European Union and the U.N. are trying to pursue. Our frustration with the peace process should not compel us to choose a course that would prolong, intensify and widen the war.

Mr. MCCAIN. Mr. President, last week I had intended to speak and vote in support of the legislation offered by Senators DOLE and LIEBERMAN to end the arms embargo against the Government of Bosnia. However, as we all know, debate was postponed until today. The parliamentary situation is a little confused at the moment, but as I understand it, the Senate will be asked to consider not only the Dole-Lieberman bill, but subsequent legislation offered by the distinguished majority leader. The details of the majority leader's legislation are unclear at present, but they may include authorization for the President to use American air power to enforce the United Nations exclusion zones in Bosnia.

I have in the recent past called for the opportunity to vote on such authorization. So, if we are to do so, I am pleased to begin that debate now. And I am pleased that the Senate can vote on the arms embargo question and the use of force question separately. I would not have liked the fate of the former to depend on the fate of the latter, for I think one course is just and the other foolish.

As my colleagues know, I support lifting the arms embargo and oppose using American force in Bosnia. The Dole-Lieberman legislation requires the President to lift the embargo, but does not authorize the use of force. The last draft of the majority leader's resolution which I saw does not compel the President to lift the embargo, it only urges him to promptly consider such action.

Mr. President, I want to commend Senators DOLE and LIEBERMAN for sponsoring this bill. Lifting the arms embargo against the Bosnians—multilaterally if possible, unilaterally if necessary—is the only action which the United States and the United Nations can take that might help the Bosnians achieve a more equitable settlement of this terrible conflict without deploying massive numbers of ground troops to roll back Serb territorial gains.

Better armed and better able to defend themselves, the Bosnians might be able to present a more credible, long-term threat to Serb conquests, and by so doing convince the Serbs to re-think their refusal to relinquish any substantial portion of their gains or risk those gains in a more protracted war.

Besides addressing the sound argument that territory is not conquered or

held by air forces, but by infantries, this amendment has the additional attraction of being just. I think we all believe that the cause of the Bosnians is just. And if we do not believe our own interests are sufficiently at risk to warrant the intervention of United States ground forces and the sacrifice of American lives to defend the Bosnians—and I do not believe they are—then to impede the rights of Bosnians to defend themselves is a gross injustice.

As others have observed, the United Nations embargo was imposed in July 1991 against Yugoslavia. At that time, Bosnia was part of Yugoslavia. Today, Bosnia is an independent nation, and recognized as such by the United States and the United Nations. As an independent state and member of the United Nations, Bosnia has an inherent right to self-defense.

Bosnian independence has rendered the arms embargo outdated. It is without legal standing, and, in fact, violates the sovereign rights of a U.N. member state that is under attack by forces supported by a neighboring state.

Article 2 of the charter states:

The inherent right to self-defense is a preeminent right of international law, and may not be abridged by actions of the Security Council.

Article 51 of the charter states:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

Mr. President, it is clear, in my view, that the Security Council has not taken "measures necessary to maintain international peace and security." As I have already implied, to do so would require the deployment of sufficient numbers of ground troops to defeat the Serb aggressors on the battlefield. Understandably, the United Nations has no intention of making that kind of commitment.

Opponents of the Dole-Lieberman resolution argue that were the United States to unilaterally violate the arms embargo, other countries would be emboldened to violate other U.N. embargoes—specifically, the very necessary embargo currently imposed on Iraq. The differences between these two situations are so obvious that I am a little surprised that such a false comparison is even raised.

Bosnia is a victim state whose sovereignty has been attacked by an externally supported aggressor. Iraq, is an aggressor state that violated the territorial integrity of a neighbor, and would do so again if given half a chance. Thus, the embargo imposed against Iraq has sound standing in international law. The embargo against Bosnia is unlawful.

Should any nation use the lifting of the arms embargo against Bosnia as an excuse to violate the embargo against Iraq—and France has been identified as a possible violator of the Iraqi embargo under this circumstance—then they would be in violation of international law, and should be held accountable for their transgression.

I would like to believe, Mr. President, that American diplomacy still possesses enough force and credibility that we could prevent a close ally from taking such an unlawful action—an action that would so clearly be in neither the national interest of France or any other nation with regard for international peace and security.

Mr. President, I have also heard the argument that if the United States and the United Nations want to economize the violence in Bosnia, and bring the war to its quickest possible conclusion then we should not lift this embargo. If the embargo remains in effect, then the Bosnian Government will have little choice but to accept the very unfair terms that the Serbs will impose on them to settle the conflict now.

Mr. President, such a forced settlement may hold for awhile. But the ancient enmities will not die. The aspirations of the Bosnian people to restore to their children a viable sovereignty will not long be suppressed. Nationalism for good or for ill is a durable—a very durable—yearning. War would return to Bosnia.

By supporting the Bosnians, inherent right to self-defense, I cannot predict that the Bosnian Government will prevail in this war. I cannot predict that the Bosnians will ever recover significant amounts of territory from the Serbs to make an eventual settlement of the conflict more equitable. But they have the right to try. They have the right to try. And the United States should do nothing to interfere with that right unless we take it upon ourselves to defend with force the national interests of Bosnians. And that, Mr. President, is something I sincerely hope we will not do.

We have already done just that to a small extent, and I believe it was a mistake.

When the United States commits its prestige and the lives of our young to resolving a conflict militarily then we must be prepared to see the thing through to the end. If you start from the premise—and I have heard no voice in Congress in opposition to this premise—that the United States will not deploy ground forces in Bosnia, then you identify to the enemy the circumstances under which the United States can be defeated. You have indicated the conditionality, the half heartedness of our commitment. And you have told the Serbs: we may bomb you, but if you can withstand that, Bosnia is yours.

The feckless pinprick air strikes of a few weeks ago surely indicated to the Serbs that they could probably withstand the limit of our commitment to Bosnia. No one, no one in this Chamber, no one in this administration, no one in the U.S. Armed Forces can tell me with any degree of confidence that air strikes alone will determine the outcome of this war.

Mr. President, the American people and their elected representatives have already made the most important decision governing United States involvement in Bosnia. As a nation, we have decided—correctly, in my view—that the tragedy in Bosnia—as terrible as it is, as unjust as it is, as despicably brutal as it is—the tragedy in Bosnia does not directly affect the vital national security interests of the United States. We made that decision, Mr. President, when we decided, as a nation, not to send American infantry into that conflict.

Some of the proponents of using American air power in Bosnia have argued that the Bosnian civil war does threaten our vital national security interests to the extent that it has the potential to spread throughout the Balkans, and even to provoke open hostilities between two NATO allies—Greece and Turkey. I happen to believe that we can contain that conflict. But, for the sake of argument, let me concede that the war in Bosnia directly affects our vital national interests.

If the Government of the United States feels our national interests are gravely at risk in that conflict then let's do the honest thing, let's do the militarily sound thing, let's do the courageous thing. Let us say to Bosnian Serbs and to Serbia: You have threatened the vital interests of the most powerful nation on Earth. The United States intends to defend those interests by all means necessary, and you can expect the invasion of Bosnia—and Serbia, if necessary—by American ground forces supported with all available air and sea power.

If our vital interests are at risk, then we would be grossly negligent if we did not take all actions necessary to secure those interests.

Mr. President, bombing tents and trucks may not dissuade the Serbs. Bombing bridges, fuel supply lines, and ammo depots may not dissuade the Serbs. We do not even know with any degree of confidence that bombing Belgrade will dissuade the Serbs. What do we do then, Mr. President, when our interests remain at risk? We must either sacrifice those interests and withdraw in abject defeat. Or we must bring the full power of the United States down upon the enemy and slug it out from town to town, from hill to hill, from battle to battle until we defeat the enemy utterly and secure the interests of this great Nation.

So. Mr. President, let us authorize the President to use all means necessary to protect the interests of the

country we are sworn to defend. Let us tell the President: Mr. President, you have identified a grave threat to our security, now use the force necessary to defeat that threat decisively. Use American ground troops to defeat the Serbian aggressors who have challenged our security.

But the fact is, Mr. President, that neither Congress nor the President intends to deploy ground troops in Bosnia. Why? Because we cannot make a plausible argument to the American people that our security is so gravely threatened in Bosnia that it requires the sacrifice of our sons and daughters to defend. As I said a few minutes ago, America has already ruled on the question of whether our vital interests are at stake in Bosnia. We have determined that they are not. We made that determination when we decided as a nation that we would not use ground forces to settle the conflict.

So let us not dissemble any longer about how the war in Bosnia threatens the security of the United States or NATO. It does not, and we all know it. What the President has decided, and what Congress may now authorize, is that by incremental escalation—starting with the most minimal use of force imaginable—we can intimidate or bluff the Serbs into ceasing their aggression.

We threatened air strikes to protect the safe zone around Sarajevo. Serb forces then redeployed to Gorazde where they brought that unfortunate city under siege. We then initiated two air strikes to protect U.N. peacekeepers in Gorazde. We destroyed a tent, a truck, and two armored personnel carriers. The Serbs intensified their barrage against Gorazde, and for good measure began shelling the city of Tuzla—another declared safe area.

We have now extended the threat of more destructive air strikes to Gorazde, and all the U.N. declared safe areas. The Serbs continued shelling for a period, while United Nation officials in Bosnia refused NATO permission to launch air strikes. The Serbs have not resumed shelling Gorazde for a while now, but they are in violation of the ultimatum by keeping armed militia and artillery within the exclusion zone. They have also intensified fighting in Brcko, where we are now contemplating establishing another safe area. They have fought two pitched battles with U.N. peacekeepers. They have continued shelling areas near Tuzla. And the United Nations has granted permission for several Serb tanks to transit through the Sarajevo exclusion zone on their way, presumably, to shell some other Moslem-held area.

Mr. President, if it weren't for the terrible cost in lives, U.N. and NATO actions would turn this tragedy into low comedy. All the while, the United States and NATO, to say nothing of the United Nations, are bleeding credibility. Yet, by threatening widespread air strikes, we expect the Serbs to refrain from the further use of force, and for the Moslems to believe that we can convince the Serbs to agree to a more equitable peace settlement.

I have my doubts, Mr. President, I have my doubts.

I hear quite often now, that we expect Serb acquiescence in our demands because they fear NATO's resolve to launch a campaign of strategic bombing. Some of my colleagues may not appreciate what strategic bombing, in its broadest definition, entails. In short, unrestrained strategic bombing requires that we fill the skies with our bombers and lay waste to a country. In past conflicts, we called it carpet bombing.

Mr. President, no one seriously believes that the President of the United States is contemplating such an action. The civilian casualties which such a campaign would unavoidably incur would be devastating. Hospitals, schools, friendly forces, Moslems, Croats and Serbs, men, women, and children would perish. Strategic bombing is the most cataclysmic event in modern warfare with the exception of a nuclear detonation.

What I believe the proponents of air strikes mean when they refer to strategic bombing is really widespread tactical bombing—attacking again and again as many of the enemy's bridges, or ammunition depots, or supply lines as possible. We have that capability, of course. But such strikes will surely incur heavy civilian casualties as well.

I must also point out that a committed foe—and I have no reason to believe that the Serbs are not committed—can and will resist such a campaign. In Vietnam, we bombed the Than Hoa bridge over a hundred times and we never broke North Vietnam's will to fight. We unleashed the awesome destructive power of B–52's on Hanoi, a devastation I personally witnessed, and still the Vietnamese did not lose their will to fight.

We have sufficient cause to fear that the Serbs will endure whatever air strikes NATO undertakes and fight on, especially, if the Serbs know that at the end of air strikes, all of Bosnia is theirs for the taking. We have cause to fear this, Mr. President, because the Serbs know in advance the limits of our commitment. They know that we will not send ground troops to force a resolution of the conflict. They know that there are certainly limits to the escalation of any bombing campaign we are prepared to undertake.

Neither will the air strikes we are contemplating be, as I have heard them described, a piece of cake. Under the best of conditions, to fly into a combat zone, find a legitimate target, strike it without doing collateral damage, while all the while evading surface-to-air missiles is terribly exacting, immensely dangerous, and as frightening an experience as human beings can be expected to endure.

The tactical problems posed by the chronic poor weather and the very difficult, mountainous terrain in Bosnia greatly increase the risks of missed targets, collateral damage, and the loss of allied pilots. We saw a pretty good indication of the problem and its costs during the air strikes in Gorazde. Low cloud cover requires us to fly in low, well within range of Serb SA7's. We will lose planes, Mr. President; possibly quite a few planes. Artillery, tanks, even field command centers will be hard to find and easy to move. Harder targets, like bridges and ammo dumps will be defended by surface-to-air missiles.

We must also consider the welfare of the U.N. peacekeepers currently deployed in Bosnia before we launch these air strikes. Will we withdraw them in advance of the strikes or will we leave them in place, hostages to the terrible fortunes of war?

Mr. President, I will close by reiterating a sentiment I have expressed before: I hope every subsequent development in Bosnia proves me wrong. I hope the Serbs feel they have consumed enough of Bosnia that the capture of additional territory is not worth risking their lives and equipment in anticipated NATO air strikes. I hope U.S. actions precipitate a just and lasting settlement to this terrible conflict. I hope the entire world is impressed by the courage and wisdom of American leaders.

I may be wrong, Mr. President. But on a question of such importance to my country, I must use all of my experience to guide my judgment. I must use all of the lessons I have learned in a lifetime about when and how our Nation should go to war. And all of my experience tells me that this is not the place, and this is not the time for the United States to intervene militarily in the defense of another people's sovereignty.

For very sound reasons I fear greatly that will not be proved wrong, Mr. President. I fear that the United States is about to embark on an undefined military adventure where the limits to our force have been clearly revealed to the enemy in advance of its use; where out of concern for our prestige we will be drawn deeper and deeper into war or compelled to sacrifice that prestige and many lives to a cause we were not prepared to win; where the aggrieved party has been prevented by us from fighting in their own defense; where television and the best of intentions have made us squander that most valuable of diplomatic tools—credibility; where American foreign policy is crippled for the duration of this administration.

If I am wrong, Mr. President, I will gladly admit to the error. But even if I am wrong, I would still counsel against

the use of force by similar means and under similar circumstances. Let us not draw the wrong lesson from what would be nothing more than extraordinary good luck and engage in such recklessness elsewhere. This is grim, dangerous business we are about to authorize. It has not been well planned, and it may not end well, and, irrespective of its outcome, it was not—I repeat, not—undertaken in the best interests of this country.

Mr. President, I strongly support Senator DOLE and Senator LIEBERMAN's legislation. I strongly feel that we must allow these people to defend themselves. As the Vice President of Bosnia said in my office 3 weeks ago, "We are dying. At least let us die fighting." If we do not lift this embargo with or without—hopefully with—the agreement of the United Nations, we will have a blot on the history of this Nation which will take a long time to erase because we failed to allow a decent and honorable people to defend themselves.

I would like to make an additional comment, Mr. President, about the impact that has not been discussed on the floor of this situation in Bosnia. Throughout the Moslem world today, Moslems are wondering and asking the question: Would the United States and the United Nations be so loath to lift this embargo if these people were not Moslems?

A couple of weeks ago, there were large-scale demonstrations in Ankara, Istanbul. Islamic fundamentalism, which is a great threat to peace and freedom throughout the world, is using the cause of the Moslems in Bosnia as a way to inflame and, indeed, enrage the passions of Moslem peoples throughout the world.

Mr. President, it is an unjust charge that the United States of America and the United Nations is discriminating against Moslem peoples. But believe me, it is real and it can have far-reaching consequences as well.

Mr. President, I have confidence that this body will vote overwhelmingly in favor of lifting the embargo. There is no other just course. Now I hope that that action will embolden this administration to go to the United Nations, seek the lifting of the embargo and use the position of leadership in the world to see that that happens so that we are not faced with a distasteful likelihood of violating a United Nations resolution.

At the same time, we should make it very clear that if other nations do not choose to follow our leadership, then we, as the most powerful nation in the world, which has stood for the rights of man for over 200 years, will exercise in a unilateral fashion what we know is right and just.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, I wish to congratulate the able Senator from Arizona for his fine interest in this subject and the sound position he has taken in regard to it.

Mr. President, I supported the Dole amendment to lift the Bosnian arms embargo when it first came before the Senate a few weeks ago. Nothing has happened since then to change my mind. If anything, the situation in Bosnia demands more than ever that we end the embargo on the Bosnian Moslems.

Many of my colleagues have already argued eloquently in favor of the current bill offered by Senators DOLE and LIEBERMAN. It enjoys broad support, and has 32 cosponsors. I will not take the Senate's time to repeat all the arguments. But I would like to make two points that I feel have not been adequately considered during this debate.

First, opponents of this legislation seem to be equating a decision to lift the embargo with a commitment to arm and train Bosnian Government forces. I believe this view is a mistake. In fact, I believe this confusion may be the reason some Senators oppose it, in particular those who do not want to see the United States dragged deeper into the Bosnian quagmire.

I do not want to see the United States more deeply involved either. But lifting the embargo does not necessarily involve us more deeply. It does not obligate America to undertake the immense logistical challenges of providing heavy weapons to the Bosnian Moslems. It does not require us to incur the political risks of sending in U.S. trainers, thereby becoming active participants in the war, and putting American lives in jeopardy.

What the bill does achieve is to stake out an indisputable moral position. America is not obligated to intervene militarily on the side of the Bosnians, or remedy their lack of tanks and artillery. But if we are not going to defend the Bosnians or protect their noncombatants from indiscriminate slaughter, it is immoral for us to deny them access to the means to defend themselves.

Passing this amendment by Senator DOLE and Senator LIEBERMAN simply means that the United States will no longer use its military or naval units to enforce the embargo. It will allow the Bosnians on their own to acquire the arms they are seeking—primarily light infantry weapons, antitank weapons, and mortars—to defend their villages, and engage the Serbs more effectively at longer ranges.

My second point is this. In addition to the moral principle involved, S. 2042 embodies an important legal principle. Its passage will reaffirm the traditional American principle that every state has the right to defend itself. The inherent right of self-defense is a fundamental right, enshrined in the U.N. Charter itself. It may not be overturned or abrogated by subsequent acts or resolutions of any international body, especially the United Nations. If the United Nations wants to regain a measure of its lost credibility and moral authority, it must act in accord with its own charter.

In effect, this bill would correct a serious legal error by committing the United States to the position that U.N. Resolution 713 imposing the embargo was misapplied. The newly independent states that emerged from the breakup of Yugoslavia—states whose sovereignty we recognized—should not have been subjected to an embargo in the first place.

Mr. President, I am under no illusions that this step or any other will bring about a lasting peace settlement. The West has tried to broker a negotiated peace without success, and some Senators argue that lifting the embargo will only prolong the agony. But everything else we have tried to end the aggression of the Serbs has failed. Now the situation has deteriorated to the point that a new factor is needed to change the military dynamics in this largely one-sided war. Now that we have been drawn into the Bosnian conflict, we have some degree of responsibility. We will pay a penalty for doing nothing, although none of the options open to us are attractive.

Mr. President, even if lifting the embargo does not achieve peace, I do not feel we can continue a policy that forces the Bosnian Moslems to remain defenseless against Serbian tanks and heavy artillery, with no means to protect their old and helpless, their women and children. Our current policy has proven to be neither practical nor moral. We have to try something else, and I believe that S. 2042 is a proper and necessary step in that direction.

I thank the Chair.

Mr. President, as I yield the floor, I wish to congratulate Senator DOLE and Senator LIEBERMAN for sponsoring this amendment. They are on the right track, and I hope we can pass their resolution.

Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. I thank the Chair, and I thank my distinguished colleague from South Carolina for his support of this amendment and for his words of praise at the end of his statement.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent at the outset that Debra Shelton, a congressional fellow on my staff, have access to the Senate floor during consideration of S. 2042.

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The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am honored to join with the Senator from Kansas in introducing S. 2042, the aim of which, as has been stated, is to lift the arms embargo on Bosnia. I am pleased, also, that Senator DOLE and I have 31 other cosponsors from both parties. This is genuinely a bipartisan expression of not just opinion, but a call for action and leadership on this vexing problem of what we can do to fulfill our strategic interests and moral responsibilities in the conflict in Bosnia.

I want to say, Mr. President, in terms of the bipartisanship of this effort, that the Senator from Kansas and I did not begin working on this matter during the Democratic administration of President Clinton. We worked side by side during the Republican administration of President Bush where the Senator from Kansas was equally as direct and outspoken and, in that case, opposed to a policy that was being pursued by the then Republican administration. So this is truly a bipartisan effort, and as the Senator from Kansas said, it is an effort that we have conceived to do at least two things procedurally apart from what it does substantively.

The first is to create a common ground on this complicated question of our policy in Bosnia. There are those of us who favor the limited use of allied air power to even the battle and to bring the parties to the peace table more quickly. There are many other colleagues who do not support the use of air power in Bosnia. But as the Senator from Kansas and I discussed the conflict in Bosnia with our colleagues, we felt that there was a common, bipartisan ground on the baseline question of lifting the arms embargo to allow the Bosnians to defend themselves—not to send American soldiers to Bosnia. As the Senator from Arizona indicated earlier, nobody that I have heard in the Congress has suggested that sending United States troops to Bosnia is a good idea. Certainly this Senator does not feel that way.

Even though there is some opposition to this bill calling for the United States to lift the arms embargo multilaterally if possible, but unilaterally if necessary, our hope was, and still is, that there is a common ground on which a lot of us can come together and fulfill our national interests and the moral imperative in this conflict.

The second procedural goal of this bill, as Senator DOLE has indicated, is that the passage of this measure would strengthen the hand of President Clinton in dealing with the conflict in Bosnia and in working with our allies in NATO in dealing with the conflict.

Mr. President, it was just a little more than a year ago that the Clinton administration adopted a two-part policy regarding Bosnia, the so-called "lift and strike policy"—lift the arms embargo to give the Bosnians the weapons with which they could defend themselves, and, along with our allies, to strike from the air at minimal risk to American personnel to hit aggressive Serbian targets. All of this was aimed at bringing the parties to the peace table because without this lift and strike policy the Serbs—who in this Senator's opinion are the aggressors and who have carried out genocidal acts—are free to continue not just to roam but to carry out acts of aggression without fear of consequence.

This bill follows on the heels of the administration's successful convincing of our allies in the aftermath of the Serbian attack on civilians in Sarajevo in February of this year to use air power selectively. This effort helped bring peace to Sarajevo which has been torn by war throughout so many of the preceding months, and led to another ultimatum concerning Gorazde. After the very limited use of air strikes, we saw significant—although not total—adherence by the Serbs to the exclusion zones.

So now we have the strike policy. I accept the point that the Senator from Arizona has made that conflicts are not won with air power alone; that it is necessary to create some power on the ground, but not by sending in U.S. soldiers. Soldiers are already there; they are Bosnian-Moslem soldiers. But they do not have the arms to fight with. Give them those arms by lifting this arms embargo.

This Senator certainly sees this amendment as supporting the policy of lift and strike that the President of the United States adopted more than a year ago and giving him the leverage of a measure passed by the Senate of the United States to take with him to negotiate with our allies in NATO and others in the United Nations, hopefully, to convince them to lift the arms embargo multilaterally.

Mr. President, this measure that we are debating today is similar to an amendment that Senator DOLE and I and many others cosponsored to the bankruptcy bill that was before the Senate more than 2 weeks ago. Many Senators came to the floor that day and voiced their support for our proposal. Others, of course, came and expressed concerns, reservations, and opposition. But I thought that the debate which took place that day was an important one, and was characterized by an honest desire of all parties to bring the slaughter and the conflict in Bosnia to an end.

I fully expect the exchange of views that we have here today on this bill will be similarly direct and constructive as they certainly have been so far as I have listened to the debate this morning. It is appropriate that the Senate of the United States should be considering these critical matters.

Mr. President, it is obvious that we are at a difficult time, an unclear and unsettling time, in world events. The cold war is over. We have achieved an extraordinary victory in the victory of freedom over tyranny, of capitalism over communism, of free economies over state-controlled economies. Yet, the world that we find today is characterized, in many ways by greater instability. The cold war position of two great powers, the United States and the Soviet Union, each with an enormous nuclear capacity against one another, imposed an order of sorts to global affairs. It was easier to choose sides. In regional conflicts throughout the world, the forces of freedom tended to be arrayed against the forces of tyranny and communism. Most regional conflicts had a side that expressed our values and required us to act to protect our national interests. Behind those conflicts, however, was always the looming fear of a nuclear confrontation between the two great powers.

All that is essentially gone. In the conflicts that occur in the world today and that are brought not only to us but to our constituents through the power of the electronic media, we must determine where American policy should attempt to work its will, and where, if anywhere, we should join force with that policy to protect America's strategic interests and to uphold our principles; to be true to our moral traditions which have always distinguished this country.

These decisions are not easy. I understand that in this case they are not easy for many Members of this Chamber. In the opinion of this Senator, the conflict in Bosnia is one in which the United States has strategic and moral interests; strategic interests in part because of our historic connection to Europe: not just because this country was settled by Europeans, but because we have seen in this century how conflict in Europe has drawn us twice into world war.

We also have a strategic interest in the conflict in Bosnia because it will set a standard for the resolution of those many other ethnic and national conflicts that have been unleashed by the dissolution of the Soviet Union.

Further, I believe we have humanitarian and moral interests as once again we have watched genocidal acts carried out against a people simply because of their religion—in this case, because they are Moslem.

Are these interests that we have—strategic and moral—enough to justify sending American soldiers to fight in Bosnia? My answer is no. Is it enough of an interest for us to be involved in the policy of lift and strike that the administration articulated more than a year ago? My answer is yes. That is why I am cosponsoring this amend-

ment with the Senator from Kansas [Mr. DOLE].

There is a strong moral argument here, because in lifting the arms embargo we will be restoring to the sovereign and legitimate government of Bosnia and Herzegovina the right to defend its people, its territory, and, in fact, its very existence. What right can be more basic to a state than the right to defend its own continued existence? This embargo denies the Bosnians that fundamental right.

The argument here is both moral and legal. The moral argument is, in my view, the more powerful argument. The moral argument says that when a people want to fight to protect their families, their homes, their country, it is immoral to deny them the means by which they can do that.

It is a moral argument to lift this embargo because the Bosnians are the victims. They have been the victims of aggression. They have been the victims of genocidal acts. It is wrong for us to stand by and turn a deaf ear and a closed eye to the fervent and direct appeals of duly elected leaders of Bosnia to us, to this Government, to this Congress, to this Senate, to so many of us individually, "Please, send us the weapons with which we can defend ourselves."

Mr. President, there is also a legal argument. I think to explore that legal argument we have to go back to the beginnings of this process.

The U.N. Security Council adopted Resolution No. 713 on September 25, 1991.

This resolution imposed an arms embargo on Yugoslavia. What is interesting, as we look back at the history here, is that this resolution was passed at the request of the then government of Yugoslavia, centered in Belgrade and dominated by the Serbs. The resolution was part of an overall policy expressed by the United Nations, in which the United Nations adopted a series of goals that were aimed at avoiding war and conflict in the former Yugoslavia.

The reality is, of course, that that United Nations policy failed. And in the 2½ years since that original resolution was adopted, a bloody, savage war has ensued. I think it is important to remember that the premise of the arms embargo was to keep arms from flowing into the former Yugoslavia, as part of an overall policy to avoid war there; this policy failed. Thus, the political premise of the arms embargo, let alone the legal premises, no longer exist.

To continue with the legal argument, we must note that at the time of the 1991 resolution, Bosnia had not yet received independent statehood; it was a part of Yugoslavia.

On January 4, 1992, the Secretary General of the United Nations submitted a report to the Security Council arguing that the arms embargo against Yugoslavia should continue in force and would continue to apply to all areas of Yugoslavia, notwithstanding any decisions which were pending at that time on the question of the recognition of the independence of certain republics that had been part of Yugoslavia.

On January 8, 4 days later, the Security Council adopted Resolution No. 727, which referenced the Secretary General's report that I have just mentioned, and determined that the arms embargo should apply as the report suggested. At that time, it is important to point out from a legal perspective, Bosnia still had not achieved statehood and remained a constituent entity of Yugoslavia. Thus, when adopted on January 8, 1992, this resolution did apply to Bosnia since it was not an independent state and was not entitled, therefore, to a right of self-defense.

From February 29 to March 1, 1992, Bosnia held a historic referendum on the question of whether it should become an independent state, and, of course, the people voted that they did want to establish themselves as an independent state. In fact, Bosnia was recognized just a little bit more than a month later, on April 7, 1992, by the Government of the United States, and became a member of the United Nations on May 22, 1992.

Since Bosnia became a member of the United Nations, there have been no Security Council resolutions which impose the arms embargo on Bosnia itself. Subsequent resolutions refer to previous acts as a matter of course, but it seems to me that the mere reference to the earlier resolutions which were passed before Bosnia became a state are not relevant to the situation that exists today not only on the ground but in international law.

When Bosnia became an independent state and a United Nations member in 1992, it became entitled to the right of self defense, which is enshrined in the U.N. Charter. In that sense, I believe that the embargo against the former Yugoslavia ceased to be valid when Bosnia became an independent state with membership in the United Nations, with the right to self defense under the U.N. Charter. This is a right which I believe supersedes the previous resolution, Resolution No. 713, of the Security Council.

Mr. President, the United States is a nation of laws. That is one of the characteristics that distinguishes us. The world is not a world of laws, but we try, to the extent we can, to express and respect principles of law in our international deliberations. I believe that in that context there is no legal basis for the arms embargo on Bosnia. It is, in that sense, irrelevant and invalid.

So to terminate the embrgo, as this measure before the Senate does today, is essentially stepping away from an act which is invalid. It is a return to the basic legal right of a nation to defend itself. In that sense, I think by ending the arms embargo, we are returning to a consistency between principles of international law, America's respect for those principles of law, and the facts, both legal and political, as they exist in the former Yugoslavia.

I have already spoken about the moral argument. I need not repeat that, although it is very important, except to say this: It does seem to me that insofar as we continue this embargo on arms to Bosnia—not only failing to send arms, but preventing arms from being delivered, in spite of the Serbian aggression and genocidal acts which the people of Bosnia have been the targets and victims of—the United States is not maintaining a policy of neutrality. The United States is, in effect, choosing sides in this conflict, because we are effectively saying to the Serbs, who are the aggressors, that you can continue to use your weapons, your tanks, your artillery, which, as I will explain in a moment, they have special access to, against the people of Bosnia, while we refuse to allow the victims of their aggression the means to defend themselves.

The Senator from Kansas referred to some of the numbers that Vice President Ganic and Prime Minister Silajdzic gave to both him and me regarding the tanks that are on the ground between the two sides.

Let me quote some statistics from the International Institute for Strategic Studies [IISS], Military Balance for 1993–94, on the weapons strength of both sides. They report that the Bosnian Serb army has 330 tanks. The Bosnians told us it was around 300 now. The Serbs have 400 armored personnel carriers, 800 artillery pieces, and over 400 antiaircraft guns that are usable in a direct fire role. The Bosnian Moslem army, on the other hand, can field only 20 tanks. Prime Minister Silajdzic recently told us there were only 8 left. So that is 8 Bosnian tanks against 300 Serbian tanks. There are 30 armored personnel carriers for the Moslems against 400 armored personnel carriers for the Serbs. There are 30 artillery pieces against 800 artillery pieces for the Serbs; and 400 antiaircraft guns that the Serbs have and I do not see that the Moslems have any. Of the 180,000 Bosnian troops available, only 60,000 are in organized units, with the remainder constituting a reserve to fill losses. Most of these reserves have no weapons at all or they have only small, light-arms or hunting rifles. This was the tragic imbalance of the conflict around Gorazde as we were hearing. Serbian tanks, were moving into the city and all the Moslems in the city in this "safe haven" were lightly armed against the tanks. More than one of the Bosnians who has come here has expressed to us how much he hoped

that someday the Bosnian Moslems would have the kind of antitank weapons that we have supplied in other conflicts that would allow them to make this a fair fight.

The few arms which are available to the Bosnians are supported by a very uncertain home-made ammunition supply system. Most of the former Yugoslavia's arms industry in Bosnia, that is the part of the arms industry of the former Yugoslavia, which was considerable, was concentrated in areas which have either fallen under Serb control, such as Banja Luka, or have been destroyed or deprived of sufficient raw materials and power supply to operate.

Bosnian troops must collect their spent cartridges to have them refilled at makeshift ammunition factories. In contrast, factories in Serbia have been immune from attack and are producing arms and ammunition at a feverish pace. Then they are delivered across an international border to Serbs engaged against the Bosnian Government.

The Bosnian people are doing their best to defend themselves and their country with the meager resources they have. But it is wrong to perpetuate this unfair fight. We must stop denying the Bosnians the right to defend themselves. We must lift the arms embargo. I listened very carefully 2 weeks ago when the distinguished chairman of the Armed Services Committee, my colleague Senator NUNN, spoke on this issue. While he expressed many concerns about our strategy in Bosnia—many which I share—he spoke clearly and eloquently on this point when he said:

I think this embargo on arms to those who are the victims is a policy that is not only counter-productive politically and militarily. I think it prolongs the conflict, and I believe it is an immoral policy, preventing us from helping those who are there ready to help themselves.

My colleague described the post-Vietnam policy developed by President Richard Nixon where the United States made clear its willingness to arm those who were the victims of aggression so that they could help themselves. He went on to say:

In this case, what the United Nations has done, with good intention but I think with disastrous results, is just the opposite. We have denied arms to those who are increasingly the victims of this conflict.

Mr. President, there are serious concerns about where we are going in Bosnia. We have ample cause for concern about what our inability to end the aggression in Bosnia says about the future role of NATO, the United Nations, and the United States in Europe and in the world community.

Margaret Thatcher, the former Prime Minister of the United Kingdom, addressed these concerns in an article which appeared in the New York Times on May 4. She wrote:

Lifting the arms embargo * * * is also crucial. That embargo was imposed before Bosnia and Croatia were internationally recognized, and its legal standing is at least questionable. The U.S., Britain, and France—or if necessary, the U.S. acting alone—should formally state that they do not intend to continue with it. * * * A well-armed Muslim-Croatian alliance would confront the Serbs with a quite new and unwelcome challenge. It might even prompt the Serbs to settle.

Mrs. Thatcher concludes—

I do not claim that this approach is without dangers. * * * It is unlikely to bring immediate peace—though it might. Some disruption of the aid effort is inevitable. But what the people of Bosnia now need is a permanent peace that allows them to return to their homes and live without fear.

I could not agree more. Mr. President, I ask unanimous consent that this article be printed as part of the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, I do not want to see Bosnian men, women, and children die at the hands of naked aggression because they don't have the weapons to defend themselves. This debate today and the decision each of us makes when we vote on this issue are critical to the way we defend American leadership in the world community.

I hope we have not come to a point where we are unwilling to assert the simple, strong, moral leadership necessary to arm the victims of aggression to fight for themselves. That, in my opinion, is the least we should do.

EXHIBIT 1

[From the Washington Post, May 4, 1994]

STOP THE SERBS—NOW—FOR GOOD

(By Margaret Thatcher)

We have been here so many times before in the Bosnian saga: acts of barbarism by the Serbs, the mobilization of a shocked international conscience, threats of air strikes (or actual air strikes, of the most limited kind), a tactical Serbian withdrawal, more talks aimed at persuading the warring parties to accept a carving up of territory that rewards aggression. Then the Serbs move on to yet another Bosnian community, applying the same mixture of violence and intimidation to secure their aim of an ethnically pure Greater Serbia.

The tragedy of Gorazde may for now at least be over. But there are other towns of equal strategic interest on which the Serbs are now free to concentrate their forces. Yesterday the U.N. intervened to head off a Serbian attempt to expand the Brcko corridor in northern Bosnia, but such interventions merely divert Serbian aggression. It is time to halt it—late, but not too late. We have the justification, the interest and the means.

A sovereign state, recognized by the world community, is under attack from forces encouraged and supplied by another power. This is not a civil war but a war of aggression, planned and launched from outside Bosnia though using the Serbian minority within it. The principle of self-defense precedes and underlies the United Nations Charter. The legitimate Government of Bosnia has every right to call upon our assistance in defending its territory. That is ample justification for helping the victims of aggression.

And both the United States and Europe have real and important strategic interests in Bosnia. Let me note four of them.

First, after all that the West, NATO and the U.N. have now said, the credibility of our international stance on every security issue from nuclear nonproliferation to the Middle East is now at stake.

Second, would-be aggressors are waiting to see how we deal with the Serbs. Our weakness in the Balkans would have dangerous and unpredictable consequences in the former Soviet Union, which has Slavic nationalist forces that closely parallel those of Greater Serbianism. And throughout Eastern and Central Europe there are minorities that aggressive mother-states might be tempted to manipulate to provoke conflict, if that is allowed to pay in the case of Serbia.

Third, Serbia's own ambitions are by no means necessarily limited to Croatia and Bosnia. Kosovo is a powder keg. Macedonia is fragile. Bulgaria, Hungary, Greece, Albania and Turkey all have strong interests that could drag them into a new Balkan war if Serbian expansion and oppression continue unchecked.

Fourth, the floods of refugees that would cross Europe—particularly in the event of such a wider conflict—would further inflame extremist tendencies and undermine the stability of Western governments.

The West has the means—the technology and the weapons—to change the balance of military advantage against the aggressor in Bosnia. Since the beginning of the Serbian war of aggression, which began in the summer of 1991 in Slovenia, intensified in Croatia and is now consuming Bosnia, I have opposed the sending of ground troops to the former Yugoslavia. But I have said that humanitarian aid without a military response is a misguided policy. Feeding or evacuating the victims rather than helping them resist aggression makes us accomplices as much as good Samaritans.

So I have consistently called for action of two sorts: the launching of air strikes against Serb forces, communications centers and ammunition dumps; and the lifting of the arms embargo on Bosnia and Croatia so that the Muslims and Croats can defend themselves on more equal terms against the Serbs, who inherited the massive armaments of the Yugoslavian Army.

If such a policy had been pursued when I first proposed it on this page in the summer of 1991, at a time when Sarajevo and Gorazde were under serious assault, thousands of people would now be alive and in all probability the Milosevic regime in Belgrade would have fallen. Because this approach was not adopted, we now find ourselves in a far more complex and dangerous situation: trying to defend almost indefensible safe havens; maintaining a facade of neutrality when all our decisions are based on the knowledge that the Serbs are the threat, and with a large contingent of U.N. personnel whom the Serbs may choose to use as hostages.

The new joint effort by Russia and the West to persuade the Serbs to settle for 49 percent of Bosnian territory (down from the 72 percent they have now occupied) is hardly less rife with dangers. The Serbs will almost certainly not withdraw, and once the guns are quiet the Russians may not wish them to do so—nor may the West be prepared to revive the threat of bombing to force them. Even if they were to withdraw, their 49 percent of Bosnia would still represent a reward for aggression. And in either event, the ensuing peace would be an unjust and fragile one requiring a large contingent of Western (in-

cluding U.S.) ground troops to enforce it on the victims. If hostilities resume, as is all too likely, these troops would become the target for attack.

So the formula of air strikes and lifting the arms embargo is still the right one to apply. NATO already has the mandate from the U.N. Security Council not just to defend U.N. personnel but to deter attacks on the safe havens. This mandate gives full authority for the requisite launching of repeated large-scale air strikes against Serb military targets wherever these may prove effective. It is a matter for consideration whether strikes should go into Serbia itself.

Air strikes are effective, as long as they are not on a small scale, hedged with political hesitations and qualifications. They can inflict severe and ultimately unsustainable damage. But they have to be part of a clear strategy to shift the advantage against the aggressor. The Serbs must know that they will be carried out with swiftness and determination. Nor may Russian objections be allowed to stand in their way. If the Russians are prepared to support such action, all well and good. But NATO cannot have its policies entirely shaped by Russian sensibilities.

Lifting the arms embargo, as Senators Bob Dole and Joseph Biden have courageously proposed (the Senate is to take up the resolution tomorrow), is also crucial. That embargo was imposed before Bosnia and Croatia were internationally recognized, and its legal standing is at least questionable. The U.S., Britain and France—or if necessary, the U.S. acting alone—should formally state that they do not intend to continue with it.

Such statements might also be supported by a resolution of the U.S. General Assembly. The confederation between Bosnia and Croatia, so skillfully brokered by the United States, now means that supplies of arms will be used against the common aggressor, not against each other, and that they can easily be shipped in through Croatia. A well-armed Muslim-Croatian alliance would confront the Serbs with a quite new and unwelcome challenge. It might even prompt the Serbs to settle.

I do not claim that this approach is without dangers. It would require diplomatic and military skills of a high order. It is unlikely to bring immediate peace—though it might. Some disruption of the aid effort is inevitable. But what the people of Bosnia now need is a permanent peace that allows them to return to their homes and live without fear. What the West needs is to restore its reputation and secure its interests, This is the only way those aims can be realized.

Mr. LIEBERMAN. Mr. President, may I inquire of the Chair if there is a time that is part of the unanimous-consent agreement.

The PRESIDENT pro tempore. There is an order, and under the order the Senate will recess at the hour of 12 o'clock noon until 2:30 p.m.

Mr. LIEBERMAN. I yield the floor. I thank the Chair.

Mr. SIMPSON. Mr. President, I rise to voice my support for the Dole-Lieberman measure to lift the arms embargo against Bosnia, of which I am a cosponsor, and my opposition to diminishing the full force of its language.

Mr. President, we continue to have before us in Bosnia a grievous and tragic situation. For the past couple of years, we have repeatedly seen temporary resurgences of hope dashed by returns to brutality and slaughter.

All of us who would criticize the handling of this crisis must acknowledge that the situation there does not admit of easy solutions. The mistakes made were not made in the course of passing up options of obvious preference. There are none.

When we review the policy choices that have been available to us, we see that they all pose their dangers, and risks of failure. There is of course the negotiating track. Cyrus Vance and Lord Owen shouldered that burden in good faith, but there was no question but that negotiations were doomed to be fruitless to the extent that the military situation rarely encouraged all of the warring parties to agree to a fair settlement.

At one extreme was the option of declaring the Serbs to be the aggressors, and either unilaterally or with such allies as would follow us, shedding the mantle of peace-broker and becoming full participants in the conflict. I think my colleagues would agree with me that the American people would not have been willing to become so fully engaged.

At the other extreme was the option of simply turning away and abandoning Bosnia to its fate. There are some who would advocate precisely that, but most of us would have found this to be morally intolerable.

Faced with unacceptable options at both ends of the spectrum, we have tried to steer a middle course. We have tried to retain a perception of our neutrality that will allow us to deliver relief unmolested. And we have applied military force on occasion, chiefly through the air, to address specific violations of cease fires and U.N. safe havens.

This policy has not produced peace, except on a local and sporadic basis. We have found that threats of air strikes may deter a specific assault in one place, but that too often we merely see a displacement of the aggression into another region.

We should not be surprised by this. We have made bold references to the international will and the international conscience, and crowed loudly about what we will not tolerate. But our actions, in the form of our reliance on military half-measures, show that our will is lacking, a fact that is not lost on Serb militia, who make their calculations accordingly.

We should not pretend that lifting the arms embargo against Bosnia is a substitute for a properly coordinated international policy. But at the very least we would by this action permit the people of Bosnia to be less completely at the mercy of our failure to develop a solution. If the West had determined how it was to save Bosnia, I would not be here arguing for a lifting of the arms embargo. It would not be necessary. But if we will not defend Bosnia, then Bosnians must be permitted to do so.

The facts are stark. The international community dithers, deliberates, and dawdles. The Bosnian Serbs have enjoyed access to equipment that once was the property of the Yugoslav Federal Army. We have been resolute only in denying arms to those who have too often been the victims of military aggression. I do not excuse the atrocities that have been committed by Croats and Muslims any more than those committed by Serbs—but there is no doubt that many of the latter were made possible because the victims were too often defenseless.

I understand and appreciate the sentiment that we should not take so bold a step without the approval of our European allies. I would say to my colleagues that in this matter we have allowed our actions to be too much guided by a rigorous insistence on multinational agreement. It has become a prescription for doing nothing. The Western nations, with all their power and might, have shown themselves less willing to enforce their will than the Serbs, simply because the Serbs, unlike the West, have been able to effectively translate desire into action. This is the danger of multilateral processes. It is why Congresses do not command Armed Forces. It is hard to get several independent voices to sing from the same songsheet.

So I am not overly troubled if we do not allow other nations to veto this action. We are not sending Americans to fight in Bosnia if we pass this measure. We are merely permitting Bosnians to defend themselves. Surely we ought to be able to accomplish this without again retreating to the passivity that has thus far characterized our behavior.

RECESS UNTIL 2:30 P.M.

The PRESIDENT pro tempore. Under the order, the hour of 12 o'clock noon having arrived, the Senate will stand in recess until the hour of 2:30 p.m. today.

Thereupon, the Senate at 12:02 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CAMPBELL].

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is S. 2042.

Who seeks recognition?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. Mr. President, I find myself in the unenviable position of opposing my distinguished Republican leader, Mr. DOLE, and an equally distinguished group of cosponsors.

Let me review my basic position which I have set forth on the floor here in previous debates in the last week or so.

The lifting of the embargo is something that has a great deal of appeal to me and, I am sure, many others. I am willing to stipulate that there are certain legalities about the placing of the embargo that lend themselves to a ground that we did it in a collection of nations, indeed with the United States, in an illegal fashion. But, nevertheless, we are where we are now.

Candidly, I would like to see the embargo lifted, but I cannot find to my satisfaction the answers to a set of questions that I believe require answering and understanding by the Members of the Senate before we act.

I wrote the Secretaries of Defense and State a detailed letter on the April 29 setting forth a series of questions that I felt were germane to the issue. I would like to repeat some of those questions for purposes of this debate. Then on May 4, the Department of State, under the Acting Secretary at that time, Mr. Talbott, replied to my series of questions.

Mr. President, I will go through the questions and provide the answers as given by the Departments of State and Defense in collaboration together, the two Departments.

So, I repeat, while lifting the embargo has a great deal of appeal to me, in all probability it was put on illegally, at least there is a legitimate argument to that effect; and it is advanced by very responsible individuals, two ambassadors who came in to see me and two former Deputy Undersecretaries of Defense. I found their arguments very cogent as to the legalities. But we are where we are today.

This is a map that depicts the relative locations of the combatants today. I will use this in the context of trying to provide the Senate with answers to the questions that concern me.

My first question.

If the arms embargo against the Bosnian Government were unilaterally lifted by the United States—

And that issue, in my judgment, is implicit in Senator DOLE's amendment, and it was acknowledged as being a part of that amendment by one or more of his cosponsors in a prior debate in this Chamber.

If the arms embargo against the Bosnian Government were unilaterally lifted by the United States, what impact would such a move have on the compliance of other nations with the broad range of U.N. Security Council-imposed embargoes, such as economic sanctions against Serbia and sanctions against Iraq?

The administration replies:

There is a clear danger that other nations would use the U.S. precedent as a pretext to unilaterally "lift" sanctions against regimes that they found inconvenient or opposed for political or economic reasons. This could lead to a total breakdown in the ability of the United Nations to enforce sanctions against Serbia, Iraq, Libya, Haiti, and, over time, could limit the power of the U.N. to affect international behavior through binding resolutions.

And I would like to add also North Korea, a situation that is extremely serious, extremely serious to the whole world. Unless the issues in North Korea are handled, it will result in an entire new dimension to the nuclear balance in the world today. Japan will have to reconsider its stance; Taiwan, its stance; China, its stance; and indeed we may see the emergence of a whole new series of nations in the Pacific Rim area that, by necessity, for their own national security reasons would be required to rethink past policies against nuclear forces in light of developments in North Korea.

This is the main reason I am against the Dole amendment; that it has this unilateral feature that the United States would be acting unilaterally in such a way as to send a signal of hope to the people of Bosnia, that with the lifting of this embargo the whole combat situation could be changed. And I will address the specifics momentarily.

Does the Dole amendment imply that the United States will be forthcoming in the shipment of arms? Does it imply other nations will join? Those are the questions that have to be answered.

And, of course, I am deeply troubled by the historical context, quite apart from sanctions, that our Nation, throughout this century, has stood solidly with Great Britain and France. In World War I and World War II, they were our principal allies. They are the principal participants in the UNPROFOR forces, those forces currently in the former State of Yugoslavia, primarily Bosnia, that are providing such humanitarian relief and economic relief as can be given to those people suffering so tragically.

What will the precedent be for our having acted unilaterally with respect to our two most valued allies in this century?

My next question.

Some have argued that the arms embargo against Bosnia is not legally binding, since the embargo was imposed against the former Yugoslavia and Bosnia is not a successor state and because the embargo violates Bosnia's right of self-defense under article 51 of the U.N. Charter. What is the administration's legal opinion on this issue?

And the reply:

The arms embargo was imposed on the territory of the former Yugoslavia by U.N. Security Council Resolution 713 (1991) and reaffirmed in later resolutions (e.g., Resolutions 724, 727, 740, 743, and 787). Resolution 713 is a mandatory decision under Chapter VII of the U.N. Charter and expressly provides that the embargo will remain in effect "until the Security Council decides otherwise." The Council has also made clear that the embargo applies throughout the territory of the former Yugoslavia notwithstanding its breakup into separate states (see Resolution 727 (1992)). Thus it applies to Bosnia.

Mr. President, I ask unanimous consent that the remainder of the administration's argument on this issue be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The embargo does not violate Bosnia's right of self-defense under Article 51 of the UN Charter. Any self-defense right that may exist to receive arms from other states under Article 51 is subject to the authority of the Security Council, which may take action affecting it. Thus, under Article 51, measures taken in self-defense "shall not in any way affect the authority and responsibility of the Security Council under the [UN] Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

The Security Council may take various actions—imposition of cease-fires, limits on armaments, and establishment of protected or demilitarized zones—that affect a state's right of self-defense. For example, the Council may impose a cease-fire even though its immediate effect may leave an aggressor in temporary occupation of part of the defender's territory. Article 51 takes as its premise the principle that the Security Council may impose such sanctions when it judges them to be necessary, and this is an essential part of the Council's authorities to maintain and restore peace.

Mr. WARNER. Mr. President, I am not going to get deeply involved in the legalities, because I am more concerned about the situation here today and tomorrow and to project it into the future. This is the principal concern I have about lifting the embargo.

My next question:

How would a unilateral lifting of the arms embargo affect our relations with the NATO allies and the Russian Federation?

Answer:

Our allies and the Russians are extremely concerned about the prospect of unilateral U.S. lifting of the arms embargo. They would argue that our behavior encouraged an erosion of the U.N. sanctions regime as an instrument of international policy. If they came to believe that unilateral U.S. lifting of the embargo had more than a symbolic effect, they might decide to pull some or all of their forces out of UNPROFOR, leading to the collapse of the humanitarian relief effort.

This is an answer that must be addressed. What are the consequences if UNPROFOR has to withdraw in the face of a lifting of the embargo, particularly unilateral lifting by the United States?

Sarajevo, Gorazde, Srebrenica, and Zepa, which are surrounded by Serb forces, would be cut off from most of the relief supplies. Should the Bosnian Serbs attack any remaining European forces or take them hostage, the Europeans would hold the United States accountable.

This conflict could suddenly transcend from an international one with many parties involved to a conflict that could be said was "Made in the U.S.A" from the moment the embargo is lifted. That is my concern.

Should the, as I said, Bosnian Serbs attack any remaining European forces or take them, the Europeans would hold us accountable.

Nations like Iran, who have standing offers to provide troops to the Bosnian Government, might elect to do so, arguing that the United States has set a precedent for ignoring a U.N. resolution.

Next question: "If the arms embargo were lifted, what types of weapons would the Bosnian Government forces need to achieve a degree of weapon equivalence?" That phrase, "a degree of weapon equivalence," is one that I just worked up as a baseline to try to develop a question and an answer to this issue—"a degree of weapon equivalence with the Bosnian Serb forces. Which nations would train the Bosnian forces in these new weapons?"

The answer: "We presume that the Bosnian Government would require large-caliber heavy weapons to match the capabilities of the Bosnian Serbs." It is acknowledged now that in the area of tanks and heavy artillery, the Bosnian Serbs have a ratio of 4 to 1, 5, sometimes 8 to 1 in some of these heavy armaments. It is clear that the Bosnian Serbs have stronger weaponry.

In contrast, it is argued that the Moslems have more people. To a degree, they are motivated better and, to some degree, trained better, even though it is largely a citizen army. That is an offset. But, indeed, it is not an offset in the face of heavy tanks and heavy artillery.

This could include medium and heavy artillery, medium tanks and long-range antitank weapons, such as the Tube Launched, Optically Tracked Antitank Weapons system. Personnel familiar with weapons provided, usually the supplier, Government or industry, generally train recipients in the use, tactical employment, and maintenance of systems procured. Potential suppliers/trainers span the globe.

So if you are going to send in tanks—and I will address the difficulty of getting them in—and heavy artillery, once there, there is a period of time that will have to elapse to train the Moslem forces in the use of this equipment, and particularly the combination of tank-infantry warfare is a very complicated skill and could well take time, given there is no historical participation with tanks of any magnitude by the Moslem forces today. This will not be overnight. Again, another period of time within which the Serb forces could consolidate their gains further, take hostages, and be on the aggressive move in many areas in this region.

But, again, there is no clear answer as to who will ship what, who will train the Moslem forces to use these weapons. And, also, heavy weapons require a great deal of maintenance and resupply. So the infrastructure issue, in my judgment, is an important one as it relates to the heavy weapons.

Next question:

How long would it take for heavy weapons to be transported to the Bosnian Government forces? What are the various access routes and means of delivery? How vulnerable are these routes to attack by Serb or other hostile forces? How large a military force would it take to guard and maintain these logistical routes?

And the answer: I sat down with individuals—it is interesting—some U.S. officers, some foreign officers. I gained a great deal of knowledge from the Austrian military officers. As you know, this area of the world at one time was under the Austro-Hungarian empire. The Austrians have quite a bit of knowledge about this area.

There are basically two ports through which this heavy traffic can move. One is the Port of Split and the other is the Port of Ploce.

Here is the official answer: "If the arms embargo were lifted by U.S. action and Croatia cooperated"—and this is a key question because you have to move across land that is now under the control of Croatian forces, so their cooperation is essential, and you do not know what price you might pay for that cooperation. Are you to lift the embargo against arms to Croatia? So is there another faction in this war that will be armed? What price is to be paid and how stable can we rely on the Croatian participation? Will it be on one day and off the next? These are subquestions.

"If the arms embargo were lifted by U.N. action and Croatia cooperated, heavy weapons could be brought into Bosnia through Croatian Adriatic ports," this being the Adriatic Sea. "It would be difficult to deliver substantial amounts of equipment by air since all major Bosnian Government airstrips are within Serb artillery range, and aircraft would be subject to surface-to-air missile fire." That is primarily in Sarajevo and Tuzla.

I made a trip to Sarajevo many months ago, and it is down in sort of a bowl surrounded by high terrain. If an individual crept up on to that terrain, he or she could command that airfield very easily with quite simple weapons.

Likewise, Tuzla airport is within range of a lot of the current Serbian military equipment. So it is unlikely, in the judgment of the experts, that either of these airports could be used. I certainly think this country would think long and hard before we send in C–5's or 141's, indeed 130's. Having lifted the embargo and trying to get military equipment in, we put our forces at severe risk.

"Shipment by sea would require weeks and perhaps months, depending on how long it took the Bosnian Government to purchase or otherwise procure the weapons. If the United States unilaterally"—and I repeat unilaterally—"lifted the arms embargo, heavy weapons could not be shipped to Bosnia without a willingness on the part of other nations to violate the U.N. arms embargo."

That is a very interesting point, and I hope the proponents of this amendment will address that.

"If Croatia were to cooperate with the United States in violating the U.N. embargo, and the Bosnian Government was able to purchase or otherwise obtain weapons, arms could begin reaching Bosnia in some weeks or months." A lot of if's. "It is quite possible that most, if not all, UNPROFOR forces would probably have departed by then, perhaps having had to fight its way out, and would not be available to secure routes for arms imports. The Serbs would naturally take advantage of any lag-time between international lifting of the arms embargo and provision of the weapons to the Bosnian Government."

And as I pointed out also the time to properly train and logistically support the heavy weapons system.

"The incentive for the Serbs to launch an all-out final offensive before their forces were put at some disadvantage would be great. Thus the U.S. might have to undertake air strikes"—of a greater intensity than are now programmed—"in this case, without the participation of our NATO allies."

Now, that is a key point. If we unilaterally lift the embargo, are we beginning to lay the foundation that such tactical air that continues to be employed to hold in place Serb forces—those strikes would now again become exclusively those of the United States? Currently, other nations are participating in the air cover and air operations and air strikes. But this amendment, it seems to me, opens the door for our allies to say, you lift the embargo unilaterally, we no longer are going to participate in that one military action thus far that seems to have had some—I underline some—deterrent effect against the Serb forces. I would hope the proponents would address that question.

My next question: "How long would it take to effectively train the Bosnian Government forces to use heavy weapons? Would this training require the presence of U.S. military personnel in Bosnia or are other nations capable of training Bosnians on the U.S. military equipment that may be provided"—if in fact it is our equipment—"if the embargo is lifted? Should this training take place in Bosnia or out of country?"

Incidentally, in talking to military men, particularly the Austrians, who really understand this terrain, this is not considered tank terrain. It is very hilly, narrow passages, weak bridges, and it is questionable how valuable the tanks could be certainly in their con-

ventional role of being an aggressor offensive force with infantry, because the terrain severely limits their use.

Now, of course, they could be utilized as portable artillery pieces, but that is limiting the value of a tank. So bear in mind, in the opinion of the experts who discussed this with me, it is not tank country. And as I mentioned, if you are going in by sea to bring in this equipment, you have got very narrow roads, roads which cannot support, in many instances, the heavy weight of a tank, particularly in this time of year where the roads are quite damp due to inclement weather. There are a number of bridges that cannot sustain the weight of a tank or a tank carrier. So you are limited.

I have looked at the one route, together with the experts, that was used before when one of the UNPROFOR forces did bring in some tanks. And it was estimated that it would take perhaps as much as two or three regiments of forces, friendly to our cause, to guard the roadway that would carry the tanks in because but a handful of aggressor forces could slip in under the cover of night and sever the road or take out the bridges, and then you would find your logistic route to bring in the heavy equipment is stymied.

And I asked the question: Well, if they took out a bridge, what would then happen? Obviously, you have to repair the bridge, and that requires another group of expert military—construction engineers, combat engineers—to go in and rebuild such bridges as might be taken out by hostile forces. I mention hostile forces. Clearly Serb. You do not know what the fractions will be in the Croatian forces, and their many warlords and other groups around here. So this is not exactly a neat structure of military forces with tight command and control within all the combat elements.

To the contrary, there is quite a disparate arrangement of command and control throughout all the various combatants in this region. Always remember, I come back to the fact that this tragic conflict has its origins that go back hundreds and hundreds of years in the history of the world, rooted in religious and cultural differences and, indeed, hatred. Our forces going in there really, or whatever friendly force were to go in and help the Muslims would literally be surrounded by 360 degrees of hostility in many areas.

So I go back to the question:

How long would it take to effectively train the Bosnian Government forces to use heavy weapons? Would this training require the presence of U.S. military personnel in Bosnia or are there nations capable of training Bosnians in the U.S. military equipment that may be provided if the embargo is lifted? Should this training take place in Bosnia or out of country?

The answer: "Estimating the time required to train a force to use, tactically deploy, and maintain sophisticated weapons is difficult without exact knowledge of the capabilities of the forces"—that is, the Bosnian Government forces—"to be trained. As a rough estimate, the Department of Defense notes that training time of 1 to 6 months is required to train soldiers to survive on the battlefield and properly use rudimentary weapons. Until there is a definitive plan to train a particular force, it is not possible to estimate where the training might take place."

Or indeed the length of the training.

Next question:

What is required in terms of logistics and maintenance to service heavy weapons that the Bosnian forces would receive? Are the Bosnian Government forces capable of maintaining this equipment without outside assistance?

Response: "The more sophisticated the weapons system, the more lengthy and complicated the maintenance and supply system. The following factors, inter alia, would have a direct impact on both substance and tempo of operations: the complexity of the weapons system; number of units to be operated; skill of the operators; level of training, equipment's exposure to hostilities and weather, and logistics—ammunition, parts, transportation—and infrastructure—lines of communication, facilities—capacities. If the Bosnian Government acquired weapons and equipment compatible with its existing indigenous armaments production capabilities"—and they have managed very skillfully to build one or two plants in here to manufacture some of their weapons—"it could possibly maintain the new weapons without outside assistance."

But again, when it comes to spare parts and other, it would have to be compatible with whatever very modest logistics setup they have in place today.

Next question: "How would the Serbs—or other belligerents—react in that interim period between announcement of lifting and the adequate" transportation and training of the new weapons—be they heavy or modest weapons, light weapons?

Reply:

Any formal lifting of the embargo by the U.N. prior to a peace settlement would give the Serbs an obvious incentive to exploit their current military superiority before foreign arms begin to be used effectively by the Bosnian forces, assuming that UNPROFOR stayed in place the soldiers could face attack by Bosnian Serb forces. The Serbs could also be expected to halt the humanitarian relief effort. While relief could still flow into central Bosnia from the Adriatic coast through Croatia, the Serbs are currently capable of cutting off all land routes into Sarajevo, Gorazde, Zepa, and Srebrenica.

They could also close Sarajevo and Tuzla airports. The only possibility of supply to these areas would be through airdrops.

I would suggest that the proponents get the same briefing I have had on what large military equipment can be successfully airdropped. I assure this body that it is a very small number of weapons.

While these might sustain some of the outlining enclaves, they would be insufficient for a city the size of Sarajevo which has at most a 3-week supply of food on hand.

In addition, airdrop aircraft would be susceptible to antiaircraft fire. That is, in order to airdrop heavy equipment, you have to go to altitudes where surface-to-air ordnance becomes a factor.

The eastern enclaves and other isolated areas like Maglaj and Bihac would probably fall, and Sarajevo would be in serious risk even if the population did not face starvation.

Question. If there is an increase in fighting, should air power be used against the Serbs during their period? What are the military risks associated with air delivery of the new weapons? Is it likely the airfields in the government-controlled areas can be kept open for such deliveries? Should Allied aircraft be expected to participate in such a air operation if we unilaterally lift the embargo? If not, would U.S. air controllers have to be put on the ground to control air strikes?

Answer. The only possible way to discourage large-scale Serb attacks on the Bosnian government or on UNPROFOR forces, or to prevent the Serbs from halting the continued supply of Sarajevo via the airport, would be through the threat of military invasion or a massive bombing campaign aimed at Bosnian Serb military and strategic infrastructure targets. Unless we were prepared to undertake such actions, the destruction of Sarajevo, the eastern enclaves, and other isolated Bosnian government positions before the arrival of weaponry would become a distinct possibility. This is why the U.S. has always linked the lifting of the arms embargo to a bombing campaign, as exemplified in the "lift and strike" proposals of May, 1993.

Question. Would UNPROFOR troops have to be withdrawn prior to the lifting of the arms embargo? How long would such a withdrawal take and what are the risks involved? Would the Serbs intercept the withdrawal and endeavor to take hostages?

Reply: Our understanding is that the key UNPROFOR contributors, most of them are our NATO allies, would not be prepared to stay in Bosnia if the arms embargo were lifted. I repeat that. Our understanding is that the key UNPROFOR contributors, most of them are our NATO allies, would not be prepared to stay in Bosnia if the arms embargo were lifted.

If a UNPROFOR force departure were unopposed by Bosnian Serbs, all UNPROFOR forces could probably leave within several weeks.

The primary impediments would be logistical. If the Bosnian Serbs retaliated to a formal or unilateral lifting of the arms embargo by targeting UNPROFOR, the departure of the troops might be difficult or impossible. UNPROFOR troops, civil affairs officers—in other words, there are a lot of individuals in addition to just the UNPROFOR troops. There are volunteers from all over the world. When I

visited there—and I have made now three visits to the region—I was impressed at how many volunteers, police, relief forces, all types in addition to the UNPROFOR forces, and indeed all of this cadre of volunteers from all over the world suddenly become potential hostages in a unilateral withdrawing of the embargo. That is my judgment.

UNPROFOR troops, civil affairs officers and military observers, are deployed widely and could not defend themselves against a concentrated attack.

I hasten to point out that we have seen pictures of U.N. forces deploying some military equipment. But it was never the intention of the United Nations or the UNPROFOR forces to go in with such equipment as is needed for a heavy defense action as contemplated by those analyzing the consequence of the lifting of the embargo.

Say they end up with just basic equipment to sort of defend themselves from sporadic hostile action, not such equipment as you need to defend yourself against a consolidated attack from an aggressor force. So they literally lack the necessary military equipment.

Allies might call on the United States to join them in sending ground forces in to rescue their troops or to launch a massive bombing campaign aimed at getting the Serbs to stop an impending UNPROFOR departure.

Next question: What impact would an UNPROFOR withdrawal have on the people now receiving this assistance?

Reply: If UNPROFOR were to leave before the Bosnian Government was in a position to take the offensive on the battlefield, Sarajevo, Gorazde, Srebrenica and Zepa, which have already surrendered, would be cut off from supply via a land route.

The Serbs could also cut resupply to Sarajevo by closing down the airports. Any assistance delivery to either Sarajevo or the eastern enclaves would have to be by airdrops. Sarajevo could not survive on airdrops alone. With only a week of supply of food, disaster could set in.

It is interesting, if you look at these enclaves here, and if you measure the distances, you can see the close proximity to Serbia proper. And to hit these zones with airdrops, the experts inform me that you have to have a lot of luck. The chances are that much of the airdrop equipment is going to fall into the hands of the hostile Serb forces in the area. So even airdrops to sustain these enclaves is very iffy.

Question: If the arms embargo were lifted against Bosnia, would it also have to be lifted against Croatia since Croatian cooperation is essential to transporting weapons to the Bosnians? What impact would lifting the embargo against Croatia have on the situation in the Krajina What is the likely Serb reaction?

Reply: The only reliable way to deliver heavy weapons to Bosnia in large quantity is through the territory now held by Croatia. If the U.N. Security Council lifted the embargo against Bosnia alone, Croatia might be permitted by resolution to have arms transit its territory. Thanks to the federation agreement signed in March, relations between the Croatian and Bosnian Governments are relatively good. That is today. We all know the transitory and unstable nature of the agreements connected with this frightful conflict over the past 2 years. They are signed one day, and they are often broken the next.

Still, it is likely that weapons bound for Bosnia through Croatia would only reach their final destination if Croatia also received arms either openly or covertly.

So you are really talking about practically speaking rearming two factions in this horrible conflict, both the Muslims—that is the Bosnian Government—and the Croatian forces.

If the arms embargo were also lifted against Croatia, and the Croats use these weapons against Krajina, the Serbs there, who currently control almost one-third of Croatian territory, it is possible and perhaps likely that Serbia proper would intervene in this conflict leading to an outbreak of war between Croatia and Serbia broadening in many ways this tragic conflict.

Lifting the embargo against Croatia would also raise questions on whether the embargo should remain in effect against Slovenia, and other adjoining nations.

(Mr. LIEBERMAN assumed the chair.)

Question: What is the likely reaction of Russia and Serbia to a unilateral lifting of the arms embargo? Is it reasonable to assume that they would come to the assistance of the Bosnian Serbs if the Bosnian Government began to recapture territory in the wake of the lifting of the embargo?

Reply:

The Russian reaction would be similar to that of our NATO allies. A Russian withdrawal from UNPROFOR would be likely. A U.S. decision to lift the arms embargo unilaterally would certainly play into the hands of the pro-Serbian extremists in Russia, who could make political decisions even more difficult for the Yeltsin government. The Belgrade reaction would depend on how seriously the threat were perceived. If a humanitarian disaster in Sarajevo could be avoided and the Bosnian Government survived long enough for the situation on the battlefield to change, the Serbian Government could be prompted to intervene on behalf of their Bosnian Serb brethren. Milosevic would certainly be under tremendous domestic pressure to do so. The threat or use of NATO military actions, either on the ground or from the air, might be needed to deter him.

Next question:

Would the lifting of the arms embargo help or hinder efforts to achieve a negotiated settlement to the conflict? Is it an option for future consideration? Under what circumstances?

Time and time again, the experts certainly have told this Senator—and I think many of you have heard it from others—that there is no military solution to this tragic conflict. The solution rests with the combatant forces and their ability to somehow reconcile their differences and agree on some type of a structure for a cease-fire, and maybe an eventual peace.

The reply of the administration to my question:

Unilateral U.S. lifting of the arms embargo would probably have a chilling effect on the negotiating process. The Bosnian Government might feel less inclined to seek a negotiated solution in the hope that it could achieve a better solution on the battlefield. The Bosnian Serbs, for their part, would be less inclined than ever to accept a U.S. mediating role in the conflict, depriving us, the United States, of the ability to serve as an honest broker for any type of settlement. If the Serbs perceived an immediate physical threat to themselves as a result of the U.S. decision, they could attack the Bosnian Government or UNPROFOR forces, or close down the humanitarian relief supply to Sarajevo and the eastern enclave, thus, making a negotiated settlement even more remote.

Question:

If the lifting of the arms embargo does not give the Bosnian Government forces a degree of military equivalence with Bosnian Serb forces, what would be the next step?

Reply:

Assuming that UNPROFOR has departed, or needs to be rescued, and that Sarajevo and the eastern enclaves are at grave risk, the U.S. might have no choice but to intervene massively in the conflict—

ground, air, and sea—

or acquiesce in a humanitarian and political disaster.

That is a tough reply.

I say to my colleagues that these are the questions that occur to me. I am sure each of you have many more questions. I took it upon myself to personally go out and visit the CIA, the Department of Defense, and the Department of State, not necessarily talking to the top policymakers, the President's appointees; no, I sought out the professional civil servants, who work in these agencies, who meet the challenge, who sit there day after day and, indeed, year after year and look at the situation and provide their own analysis, not affected by politics, concerned about the humanitarian—certainly, every individual is deeply touched and concerned about the humanitarian problems in this area. But these analysts are individuals who understand, in great detail, the facts, the balance of military forces, the historical roots of this conflict. I spent one fascinating evening, several hours, at the Department of Defense, finishing up late at night, talking to individuals who studied the history in this region of the world, going back 1,000 years and tracing for me the roots of this conflict that were planted in this region 1,000

years ago. Who is to say that those same roots of conflict and antagonism will not be present in this region 1,000 years hence?

You get down to the bottom question: What can the United States do in this conflict? Mr. President, I researched this. As of this moment, there are 35 nations in our world today experiencing, to one degree or another, conflict. They spring up unexpectedly. There is Burundi and Rwanda in the African conflict, which is seen by hundreds of thousands nightly on our television. Many people had no idea where these two nations were before. But we sit there absolutely appalled at the loss of human life on this African continent.

I come back to my point, which is that 35 nations are experiencing conflict. This country, in my judgment—no matter how strongly we feel, by means of compassion, to become involved, we have to always come down on what our national security interest is in these regions of the world. What is our security interest? We have to use that as a guidepost to determine whether or not we become involved.

I question our national security interest in this region. I have always said it is primarily a European situation. If you go back to World War I, starting right here in Sarajevo, right here, with the assassination of the Archduke Francis Ferdinand, it was many years before President Wilson and the Congress decided that this conflict in Europe, World War I, had indeed become a conflict in which the United States had a national security interest. We did not jump in in 1914.

Again, in World War II, September 1939, when Nazi forces crossed the border into Poland, it took a period of time before this Nation became involved. We were under the leadership of a very courageous President and, indeed, a Congress that passed a draft by a single vote in the early 1940's, showing the lack of commitment we had at that period of time to World War II.

So I think this is primarily a European situation, and the United States, as of today, is a very active partner. We are the primary naval force offshore, enforcing, to the extent we can, the embargo against Serbia and, to a lesser extent, against Croatia. We are the primary military force in the air working, again, with our allies. So it is not as if we have turned our back to this conflict.

Some lives of American service personnel have already been lost. But I always come down on: What is the price that the mothers and the fathers, the brothers and the sisters are willing to pay to get more heavily involved in this situation? And I have outlined several scenarios that might evolve if we unilaterally lift this embargo in which the world would look to the United States to come to the rescue of a greater conflict in this region.

I question whether we have a national security interest certainly to employ our military in, should we say, risks far greater than those now at sea and in the air. Let it be said there is risk associated with the use of military equipment either at sea or in the air, but certainly on the ground the risk would be far greater. There is no one here today advocating the use of ground forces. But, as I pointed out, there are several scenarios. If we are perceived or in actuality lift this embargo unilaterally, this conflict could bear the stamp now, "Made in the U.S.A." and we would be required to become involved far greater militarily.

I do not find the national security interests. The humanitarian interest, yes, but not the national security interests for greater involvement.

So I just point out that I did not sit down in the abstract and draw up these questions. I did it based on close consultation with professionals, the CIA, Department of Defense and Department of State, and, indeed, in consultation with, as I pointed out, a delegation of Austrian military professionals who know this region, who know the history, who understand the people, who traced for me the situation during World War II when Hitler's forces ostensibly had this area secured but, nevertheless, a civil war primarily between Serbia and Croatia, again engulfing Bosnia, took place right during World War II and Nazi occupation, a civil war that in the estimate of many historians took a million lives of Croatians, Serbians, and Moslems right at the time when Hitler had this half-dozen—I have heard as high as 12—divisions trying to maintain security in this region.

So I hope that my colleagues, as we proceed with this debate, will look at the questions and answers that I have posed, questions that are being discussed, questions that are being analyzed by our professional infrastructure in those departments and agencies of our Government with primary responsibility of following this part of the world, will look at these questions and answers, point out to this Senator where I am in error. I do not claim to be infallible. I do not claim to be an expert. But I have undertaken, at considerable investment of time, the responsibility to go out and talk with others far more intelligent than I to determine the questions and their viewpoints which directly relate to the issue before this body at this precise moment: Should the Senate of the United States support a unilateral withdrawing of the embargo against the Government of Bosnia as it relates to armaments?

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Marc Nickelson, a Pearson fellow, from my staff, be granted the privilege of the floor during the course of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would like to present my statement on the question of Bosnia. Mr. President, I rise in support of lifting the U.S. arms embargo on Bosnia, and I am pleased to be a cosponsor of the bill introduced by the distinguished minority leader for that purpose.

The failure to exempt the new State of Bosnia from the arms embargo earlier imposed on Yugoslavia was a well-intentioned, but tragic mistake. Serbia, whose aggression had prompted the embargo, was in no way inhibited by it. The Serbs already possessed a bulging arsenal inherited from the Yugoslav armed forces, as well as the lion's share of arms manufacturing facilities in ex-Yugoslavia. Bosnia, on the other hand, was virtually without arms. The embargo condemned its people to confront Serbian tanks and heavy artillery with little more than small arms and infantry.

Nor was the embargo equally enforceable against both sides. Serbia's long land border with neutral states is difficult to seal off the clandestine arms shipments. Supply routes to Bosnia, on the other hand, are ultimately reliant on transit of goods through NATO states or across the Adriatic Sea—all of which have been effectively interdicted, in no small part with the support of the United States Navy. An unequal embargo, made worse by unequal enforcement, has served not to prevent Serbian aggression but to favor it.

The conflict in the former Yugoslavia has raged now for over 2 years. It has taken a dreadful toll in human lives and suffering for the people of this region and particularly for those in Bosnia. But it has taken an equal toll on the credibility and integrity of the international community, and above all the West. For we have remained essentially passive in the face of the most flagrant aggression in Europe since the end of World War II.

I say passive, because the Western response to the tragedy of Bosnia has consistently sought to skirt the main issue and ignore a basic lesson of history. That lesson is that only by the use of force, or the credible threat of its use, can a determined aggressor be stopped. Expansionist Fascist states will not be dissuaded by appeals to rea-

son, justice, or due regard for the decent opinions of mankind. Such regimes live by forces and respect only strength.

Yet rather than act, or give Bosnia the means to act in its own defense, the international community ducked the issue and ducked down four blind alleys.

First, it sustained an arms embargo which, by favoring the aggressor, served only to whet his appetite. Second, it imposed an economic embargo against Serbia which, though certainly appropriate, has not and will not alone be sufficient to bring the Milosevic regime or its Bosnian-Serb proxies to heel. Third, it has attempted to broker a negotiated settlement. But so long as the West is unwilling to either assist Bosnia or allow it to arm itself against a massive Serbian arsenal, negotiations can have only one result. That result is a sham settlement which ratifies the current situation on the battlefield by acknowledging Serbian conquests and splintering the Bosnian State along ethnic fault lines. The Bosnians have been unwilling to acquiesence in this disguised surrender. Attempts by some Western negotiators and Governments to pressure them into doing so are a disgrace reminiscent of the sacrifice of Czechoslovakia to Hitler's Germany in 1938.

Lastly, the international community, through the United Nations, has sought to bring humanitarian relief to the victims of the conflict. The effort is noble but, again, the motives have been less than pure. Mixed with altruism has been the desire of some to salve a guilty conscience and put a cosmetic bandaid over the grisly spectacle, the better to excuse the failure of their governments individually or collectively to confront aggression.

Serbia has shown itself more than willing to use unarmed relief workers and lightly armed U.N. peacekeepers as hostages. Consequently, their presence in zones of conflict now serves more to deter decisive Western military action than to limit Serbian atrocities. United Nations representatives have become, in effect, guarantors of Serbian impunity. At the same time, their presence as monitors separating the sides in selected ceasefire areas has frozen in place Serbian gains while freeing up Serbian units and heavy weapons to undertake new offensives elsewhere which whittle away at Bosnia. Thus, U.N. representatives have also become guarantors of Serbian conquests.

Let it be clearly stated, Mr. President, that the fault in this lies not with the United Nations as an organization. The United Nations is not an independent body, but an instrument of the member states and, in this case, of the Security Council, which has set the mandate and the limits on United Nation actions. It is the failure of judgment and the failure of will in chanceries and national capitals, not in New York, which has led to this sorry spectacle. And only by changing those policies, and first and foremost the course of the United States in this conflict, that we can begin to recover the situation in Bosnia and our own sense of honor.

For the United States, more than just honor is at stake. We have a vital interest in the stability of Europe and the peaceful evolution of democratic States out of the ruins of the former Soviet Union and its allies. The collapse of communism has unleashed new possibilities but also old hatreds. From Eastern Europe to central Asia, the emerging democracies are a tangle of overlapping ethnic groups with competing claims and little history of mutual accommodation. Democracy and the guarantee of minority rights and political participation offers one model for addressing those differences. Serbia's war of ethnic aggression offers another. If that aggression and ethnic cleansing are allowed to go unchecked, setting an example for others, both peace and democracy will be at great risk in an enormous area bordering on the Atlantic alliance. Neither we nor Western Europe will escape the consequences.

The risk of war and chaos will be greatest precisely again in the Balkans. For make no mistake about it, an unjust peace imposed on Bosnia would not long endure. Rather, it would sow the seeds of renewed conflict as soon as the Bosnians could bind up their wounds, overcome their fatigue, and arm themselves, as they eventually would.

Let me be brutally frank. The hatreds unleashed in this war, and the desire of the victims of aggression for justice—and, yes, for vengeance—assure that no peace settlement will last which does not rest on a durable balance of power. Such a balance does not now exist. It has been artificially tipped in Serbia's favor by the one-sided effect of the arms embargo. It is the tremendous disparity of firepower between the two sides which, more than anything else, accounts for Serbian successes. The arms embargo will begin to wither away, in substance if not in form, as soon as a settlement is concluded. Serbia's military advantage will erode along with it. An unjust settlement imposed on the basis of that military advantage will be challenged by Bosnia as the letter gains in relative strength, and the stage will have been set for a second Balkan war.

Mr. President, apart from our political and security interests in acting effectively against Serbian aggression, I believe we have an equally vital moral stake in doing so. For what is happening in Bosnia is not merely a war of conquest. It is a war of annihilation, designed to wipe an entire people off the map by forced displacement or extermination. I recently visited the Holocaust Museum in Washington, and could not help but be moved by the parallels between the horrors perpetrated by the Nazis 50 years ago and what Serbian fascism is achieving in the Balkans today. No one can claim now, as some asserted 50 years ago, that they do not know the full enormity of the atrocities taking place. And there is no escaping the moral responsibility for our actions—or inaction—in the face of those horrors. After the Holocaust, the world said "Never again." Are we now tho say. "Just one more time?" Moral authority lies at the foundation of this Nation and buttresses our position of world leadership and global power. We are mortgaging that authority by our failure to exercise either adequate leadership or power to oppose this modern day version of the Holocaust. A world community prepared to tolerate it would be willing to tolerate anything; and that is not the kind of world we want to live in or bequeath to our children.

So, Mr. President, what should be done? The first step, the very minimum step, is to remove an arms embargo which has denied the Bosnian people the means to exercise the inherent right of any individual, and any nation, to self-defense. Worse, it is an embargo which, buy its lopsided and adverse impact on Bosnia, has effectively favored the aggressors in the conflict while punishing their victims. This bill will eliminate that absurdity.

But while removal of the embargo is an important first step, it should not be the last. If Serbian aggression is to be checked, more needs to be done and, yes, we will have to pay a price, albeit a relatively modest one. The Bosnians are not asking anyone for infantry troops and are more than willing to absorb the principal cost in blood by tending to their own defense on the ground. They ask only for tools to aid that defense. The United States should respond not merely by lifting the arms embargo, but by providing them weapons on a grant basis out of U.S. stocks. A majority of this body is already clearly on record in support of that proposition.

Second, we should urge our NATO allies, and be prepared ourselves, to use Western air power to assist Bosnian defenders and raise the costs to Serbia if it continues to pursue its aggression. The application of NATO air power to date has been meager, half-hearted, and undermined by a hesitancy to make good on ultimatums when the latter have been first tested, then flouted, by the Serbs. As a result, the credibility of our word and of our threats has been weakened, and with it our ability to deter the Serbs—or any other rogue states who detect in this record a lack of United States firmness or resolve in defending our interests and principles. It is time to end those

doubts, to end the bluffing, and to put an end to the free ride the Serbs have enjoyed in Bosnia. If Serbian attacks continue, we should be prepared to strike key Serb military targets anywhere in Bosnia and, if necessary, in Serbia itself. This is particularly important in the wake of any decision to lift the embargo, for the Serbs may respond initially with stepped up attacks to take maximum advantage of their current advantage in arms before it evaporates.

Finally, we must recognize that the time may have come to reduce or remove the U.N. presence in Bosnia. Events in ex-Yugoslavia have demonstrated and senior U.N. officials have acknowledged that relief and peacekeeping on the one hand, and peace enforcement on the other, are difficult if not impossible to reconcile in the same place at the same time. The time comes when you have to choose between the two. When relief efforts intended to shield the victims of war are cynically exploited by an aggressor army to shield itself, that shield may have to be withdrawn. When peacekeepers become, in effect, a surrogate occupying force for conquered territory, they have become as much a part of the problem as its solution. That is where we are today in Bosnia.

Little wonder that the Bosnian Government has made it clear that it prefers to see U.N. relief workers and peacekeepers withdrawn if Western concerns for the safety of their personnel in Bosnia are the principal obstacle preventing a lifting of the arms embargo. Would withdrawal of the U.N. presence result in an increase in the fighting in the near term? Perhaps, although Serb capabilities to expand an already vigorous military effort are open to question. Could it lead to greater suffering among civilians in the short run? The answer is probably yes, particularly given Serbian conduct to date, particularly when no witnesses are present to encourage occasional restraint.

But to acknowledge these consequences is only to restate the choice that has faced every nation and every people in history who have been the victims of attack. Should they surrender their freedom, their homes, their way of life, their country's existence, and their children's future? Or should they resist and fight, even if resistance brings suffering and death to many of their countrymen?

That is a choice for each nation and each people to make for themselves. The heroic resistance of the Bosnian people against great odds over the last 2 years is eloquent testimony that they have made their choice. They wish to defend their homes and their country and to lay down their lives for it, if need be. It is not for us to deny them that right, and I can only hope that we ourselves will always be willing to exercise it in our own defense, as we have in the past. Mr. President, during the long struggle against Soviet expansionism, a phrase was coined to advance a rationale for surrender to force. That phrase was "better Red than dead." Even at the height of the cold war, when the possibilities of a nuclear Armageddon cast a long shadow over our Nation, the people of the United States rejected that philosophy with the contempt it deserves. Even with the best of intentions, we cannot now in good conscience impose on a small nation what we have never been prepared to choose for ourselves.

The time has come, Mr. President, for the United States to lift the arms embargo on Bosnia and to aid in its defense.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to called roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection it is so ordered.

LEAD, FOLLOW, OR GET OUT OF THE WAY

Mr. MCCONNELL. Mr. President, there is an old saying which bears repeating with regard to the United States policy position on Bosnia. The administration needs to lead, follow, or get out of the way. Each day that passes offers astonishing proof that the President of the United States and his national security team cannot or will not decide whether to lead or follow, engage or evade, or just ignore the whole darn mess. The only time we see any decisive action is when public opinion surveys issue ominous warnings about Presidential approval ratings.

With yet another poll showing a steady drop in his foreign policy rating, once again, the President turned on the telegenic charm in a media event beamed to over 200 countries courtesy of CNN. According to the New York Times, the event was designed to "reassert control over the sliding ratings by demonstrating a tough stance toward American problems overseas." Once again, we were bombarded with tough sounding rhetoric—once again, we heard we must stay engaged around the world.

But, sadly, once again, we were offered little detail as to the President's specific plans or thinking about the rapidly changing international landscape.

Mr. President, I want to believe there is an American strategy for Bosnia, for Korea, for Haiti, and a half dozen other trouble spots which the international community must tackle. I want to believe that the President and his national security team have given serious thought to problems not just poll ratings. But, there is little evidence to support my hope.

The events in Bosnia since the Senate first took up this amendment demonstrate the contradictions and confusion which bedevil our policy. Every newspaper and magazine in the Nation has run stories chronicling the disastrous decline of the United States as the competent, decisive, inspirational leader of the free world.

Let me offer a quick tour of some headlines—

The Wall Street Journal says "There is no Clinton Foreign Policy";

The Baltimore Sun claims the "U.S. stumbles for Lack of Foreign Policy";

The Louisville Courier-Journal eulogizes: "Clinton Talks Tough as Goradze Dies";

The Lexington Herald Leader denounces "Foggy, Wobbly Foreign Policy";

A Washington Post columnist calls our foreign policy: "Inept to Disgraceful"; and

Time magazine held the President responsible for "Dropping the Ball."

I do not think Members of the Senate are any more confident than columnists and reporters about the state of American foreign policy, or our international credibility, image and leadership. While I agree with the President that problems at home demand our attention and require solutions, if we fail to define and defend our interests abroad, now, we will pay a much higher price in the long run.

While President Clinton came into office as the domestic policy President, this administration may well turn foreign policy into a campaign issue.

There was another moment in history when the American people told their leaders they were weary of the world—they wanted our undivided attention here at home. It was a time which Winston Churchill captured well. He looked around the free world and observed, we were "Decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all powerful to be impotent." Churchill's words—the ghost of 1936—haunts this administration's policy.

What should the public think when the Secretary of Defense declares we have no interests in defending Goradze, and is joined in that view by the Chairman of the Joint Chiefs who says air power is irrelevant. Then within days the President threatens NATO air strikes if the Serbs do not withdraw from Goradze. Does Goradze matter? Why? Will air power work as the President claims—or not, as General Shalikashvili says?

It is not just a question of a bewildering public message. In private, senior officials seem perplexed. When I asked Deputy Secretary Talbott, what happens next? What are our policy options if we cannot bomb the Serbs back to

the negotiating table? There was a long pause, and an honest, however troubling response, "Senator, I don't have a persuasive answer for you."

The administration can offer no persuasive answer nor define and sustain a strategy as the situation in Bosnia just gets worse and worse. I was truly discouraged by the Washington Post story which suggested that our inconsistency and policy swerving has resulted in losses both in territory and peace prospects. As described by John Pomfret, the Bosnian Serbs have been encouraged to "push and probe the United Nations with everything appearing to be negotiable."

The Serbs are clearly taking advantage of our weakness and inconsistency. In Goradze, the shelling has stopped, but the U.N. High Commissioner for Refugee Affairs representative describes the situation as "tense and deteriorating."

In spite of early public assurances by the U.N.'s General Rose that the Serbians were in compliance with demands to withdraw completely from Goradze, we know that Serbians continue to occupy a hamlet within the exclusion zone with between 100 and 200 forces. U.N. peacekeepers have been denied access to the area, and 10 days ago, British peacekeepers on patrol in the exclusion zone found themselves under repeated Serbian fire. According to the U.N., the British troops were forced to return fire in their attempt to withdraw, killing five Serbians in the process.

Sarajevo offers a similar mixed picture of success.

Although the shelling has stopped, the Serbs have blocked access to U.N. observers, forcibly removed heavy weapons from U.N. depots and redeployed at least 15 heavy weapons, including five tanks, around that city.

Mr. President, the story is the same in Tuzla. As in Sarajevo and Gorazde, the U.N. and NATO ultimatums have been blatantly violated at absolutely no cost—no cost—to the Serbs.

The consequences for the United States, on the other hand, are both immediate and unfortunate. As a direct result of issuing ultimatums we cannot or will not enforce, we have squandered NATO's credibility and compromised any opportunity to negotiate a reasonable, durable peace agreement.

I was truly discouraged when I learned that, last week, the Bosnian Serb leader told American, European and Russian diplomats that he would no longer support an earlier agreement calling on the Serbs to give up nearly a third of captured Bosnian territory. As one negotiator noted, "This is most depressing. Our troubles in Gorazde obviously did not help the cause of peace."

The Serbs have figured out that we may talk tough, but we simply do not follow through. The air strikes so far have been characterized as largely ineffective. Even the President acknowledged during his international town meeting that air strikes could not change the outcome.

The administration seems to be engaged in a dangerous guessing game of Serbian intentions. Unfortunately, the stakes keep escalating, American lives are in jeopardy; yet, decisionmaking is out of direct American control.

A year ago, it was just the credibility of a revived and reinvented United Nations that was on the line. It was up to the Secretary General to solve the problem in the Balkans. Now we find U.S. pilots and planes involved in NATO missions, which at any point a U.N. civilian official can block, override, suspend, or terminate.

Because of the tragic events in Somalia, the administration would prefer to deny that American lives now hang in the balance of a U.N. bureaucrat's decision. But the events of the past 2 weeks warn that we are repeating the mistakes of Somalia. We are subcontracting U.S. interests and U.S. lives to U.N. whims. I repeat, Mr. President, we are subcontracting U.S. interests and U.S. lives to U.N. whims.

Let me offer just one example: On April 23, as Serbian troops slammed shells into the heart of Gorazde, NATO prepared to launch air strikes, consistent with the terms of an international ultimatum. NATO was deliberately blocked from carrying out a military mission by a United Nations civilian and bureaucrat, Special Envoy Akashi. Secretary Christopher tried to protest the U.N. decision, but was told Boutros Ghali was not available to take his call—not available to take his call.

We have now had a week of public bickering and criticism between senior U.N. and United States officials over who is more responsible for botching up Bosnia—all of which only reinforces my view that it is a mistake to let the United Nations run United States foreign policy.

Frankly, Ambassador Albright may feel better by firing off a testy letter to the Secretary General demanding an apology for some bureaucratic indiscretion, but demanding apologies is a far cry from directing policy. It all strikes me as petty and suggests America may have sunk to a new, record low in international esteem.

Mr. President, it is not just Bosnia that is taking a pounding. American credibility is shellshocked. It is this portrait of policy weakness that has brought me slowly but irreversibly to the point where I believe the arms embargo against the Bosnians simply must be lifted.

I think sound legal arguments may have been made that the embargo has been illegally enforced against Bosnia. No one disputes the right to self-defense, as enunciated in the U.N. Charter, and no one claims that the embargo was imposed on Yugoslavia, which can only logically and legally mean that it does not apply to any of the nations which have emerged as independent successor states.

But, legal arguments aside, I think the choice really is whether as a nation we continue to drift slowly but surely toward expanded and direct involvement in the war in Bosnia, or whether we let the Bosnian Moslems fight for themselves. That decision does not take much time for me to make.

Although the analogy may cause some of the Members of the Senate consternation, I think this is a choice like those we had to make in Nicaragua and Afghanistan. By giving the Bosnian Moslems a chance to defend themselves, we are leveling the battlefield with a view toward creating conditions that will produce a truce and a settlement. By lifting the arms embargo, we are voting to support the victims of aggression, with no loss of American lives. It is obvious, Mr. President, that the Serbs only seem to respond to the steady, decisive use of force—a course the administration is unable or unwilling to support. Policy flip-flops will only assure that this war drags on, potentially engulfing Europe in flames and eventually drawing us in.

For more than four decades, NATO served as a strong, effective deterrent to Soviet aggression and as the most important stabilizing force in Europe. We now find its credibility and capabilities being squandered and misdirected by U.N. bureaucrats. I think this is a serious, serious mistake. If this course continues, sooner or later, we are going to hear the administration make the argument that having put NATO at risk, we must now rescue the alliance from our mistake.

More than 40 years of stability—more than 40 years of security in Europe are being compromised by confusion at the White House. There is an alternative. The administration has demonstrated that it will not lead the international community. The United States should not follow the United Nations. So the Senate must decide to get out of the way. The time has come to let the Bosnian Moslems defend what is left of Bosnia.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may proceed for 15 minutes as if in morning business.

The PRESIDING OFFICER. The Senator is recognized as if in morning business for up to 15 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2096

are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the President pro tempore, Senator BYRD.

Mr. BYRD. I thank the Chair. Mr. President, has the Pastore rule expired for the day?

The PRESIDING OFFICER. The Senator is correct, it has expired.

Mr. BYRD. I thank the Chair.

PROCESSING HAITIAN REFUGEES

Mr. BYRD. Mr. President, I am compelled to express my serious reservations with regard to President Clinton's decision to change the procedures for processing Haitian refugees. I have supported the existing policy of intercepting at sea and returning would-be immigrants from Haiti, while encouraging true refugees to use the United States processing centers set up there. This process is a continuation of a policy implemented by President Bush in May 1992, when the flow of Haitians reached crisis proportions. I still think that this course is the proper one, and I worry that any change, however minor, will precipitate another crisis.

President Clinton, even before his inauguration, made the very difficult decision to continue the repatriation of Haitians interdicted at sea. Although he had earlier criticized the policy, it became clear that a policy reversal would be interpreted as an invitation for Haitians to come to the United States and could trigger a massive exodus. In late 1992, estimates of the number of Haitians preparing to take to the seas ranged as high as 500,000. Most of these immigrants were about to set out in tiny, barely seaworthy craft with little hope of making it to the coast of Florida. President-elect Clinton did the right thing then and avoided a humanitarian disaster.

The President's announcement over the past weekend that the United States would begin to conduct asylum interviews at sea, or on the territory of third countries if that can be arranged, returns U.S. policy to where it was in early 1992. President Bush was forced to abandon this practice when the Coast Guard intercepted 10,000 Haitians in May 1992 alone—a time when the temporary holding facility at Guantanamo Bay, Cuba was filled to overflowing with more than 12,000 Haitians living in tents. He rightly decided that it was far better to return all Haitians than to encourage, deliberately or not, tens of thousands of people to take to the open ocean in unseaworthy, overcrowded boats.

This was the right decision, not only to avoid the loss of life that would have resulted, but also because most of the would-be refugees in Haiti seek only what we all seek—prosperity and opportunity. Unfortunately, these are in short supply around the world, including here in the United States. We obviously have a higher average standard of living in this country than do the people of Haiti, but there are segments of our society that are no better off. There are many people here—many people here, too—too many people, who are struggling with long-term unemployment. There is not an excess of jobs. We face enormous problems, especially in our large cities where we are rapidly developing a permanent underclass.

It would be nice if we were able to solve the economic problems of other countries and provide a higher standard of living for people around the world, but we cannot. It is tough enough to stretch ever shrinking resources—and I mean they are ever shrinking—ever shrinking resources far enough to help our own citizens. We are operating under a law now that freezes domestic discretionary. It freezes all discretionary spending over the next 5 years, which means that we cannot even take into account inflation. Our social services system is already strained to the breaking point. We cannot place an additional burden of tens of thousands of new immigrants, with no jobs skills and no ability to support themselves, onto the backs of the already overly burdened American taxpayers.

The Governors of Florida and California recently filed lawsuits seeking Federal reimbursement for the cost of immigrants in their States. They have been driven to this point because of the Federal Government's inability, or unwillingness, to stem the tide of illegal immigration and to reform our legal immigration policies. Our immigration laws provide generous protection for refugees fleeing political persecution and the President has been making use of those provisions at the United States processing centers in Haiti. Individuals that have specific, well-founded fears for their safety have ample opportunity to receive that protection. The remaining thousands are simply looking for economic opportunity, and they do not qualify as refugees or asylees under U.S. law.

The President said he is not changing the policy toward Haitian refugees and that he is not broadening the criteria for gaining refugee status. The administration hopes that the limited changes will not result in a renewed outflow of immigrants into the United States. I believe that this is wishful thinking, very wishful thinking. When the Haitians sense the door has been cracked open, they will once again prepare their rag-tag armada and set sail for the "land of plenty:" America.

While we should continue to work for the restoration of democracy in Haiti, we cannot allow that political situation to become a cover for an influx of people looking for a better life in the United States. We should look for ways to help the Haitians improve their economic and political situation, but we cannot do that by encouraging them to abandon their homes. In the end, the only lasting solution to this difficult and heartwrenching problem lies in the resolution of Haiti's political dilemma. A legal, viable government must be reinstated and it, not the United States or any other outside force, can begin to meet the long-term needs of the Haitian population.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I am about to propound a request for unanimous consent. It has been cleared on both sides of the aisle I am authorized to so state.

Madam President, I ask unanimous consent that on Thursday, May 12, at 9:30 a.m., the Senate proceed to the consideration of the conference report accompanying S. 636, the Freedom of Access to Clinic Entrances Act, and that there be 90 minutes for debate on the conference report with the time equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I now ask unanimous consent that it be in order to request the yeas and nays on the conference report on S. 636.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Madam President, I thank my colleagues. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

RIVER SPILLAGE

Mr. GORTON. Madam President, late yesterday the National Marine Fisheries Service requested of the Corps of Engineers that it begin immediately a substantial spillage of water over the dams on the Columbia and the Snake Rivers. That spillage, of course, would

take place without the water going through the generators and without, therefore, the production of power which is the primary purpose of the dams.

The reason for this request for spillage is that the National Marine Fisheries Service feels that it would help somewhat the passage downstream of Snake River spring chinook salmon, a threatened species, which it is the desire of all to save if at all possible.

The Corps of Engineers immediately responded by pointing out that to engage in such a spillage would be a violation of laws and regulations of the States of Washington and Oregon designed to prevent the supersaturation of the water that has been demonstrated literally to kill salmon smolt in the past. The Corps of Engineers said that in any event it could not accede to this request of the National Marine Fisheries Service without the consent of the Governors of Washington and Oregon. At this point, at least, the controversy rests at that stage.

All are concerned, of course, and wish for the restoration of this run of salmon and of other runs of salmon as well. All agree on the proposition that a certain cost to the Pacific Northwest is appropriate in connection with saving these runs of salmon.

The problem with this action, however, is that it is far from clear that there will be any benefit to wild stocks of chinook salmon or, for that matter, any of the other affected runs.

The salmon recovery team that was appointed by the National Marine Fisheries Service to make recommendations as to the restoration of those runs clearly recommended that spillage be reduced, not increased, and that the Federal agencies involved instead concentrate on improving barge transportation as at least a short-run solution, and perhaps as a long-run solution as well.

The salmon recovery team pointed out the obvious—that barge transportation of salmon smolt created far less disruption in the rivers to the production of power, to transportation, and to the availability of water for irrigation, and it found at least temporarily that solution to be a better solution than spillage.

This salmon recovery team study has undergone peer review. The credentials of the team members have not been challenged. Indeed, they could not be. They are the finest fish scientists in the Pacific Northwest. Yet we have this sudden, and I think panicked, recommendation that we engage in that form of action for recovery which is least certain of success and most expensive to the rest of the community.

By the very estimates of the National Marine Fisheries Service itself, there will be only a modest 5.3-percent increase in survival for those salmon smolt, the young salmon, that actually migrate in the river.

At the present time, that is roughly 2 percent of the salmon, with 98 percent being transported. Even under this proposal, only 17 percent of the salmon would be spilled over the dams, while 83 percent would still be transported by barge. So the 5.3 percent increase in salmon survival estimated by the National Marine Fisheries Service itself would apply only to the 15 percent increase of those smolts that were spilled over the dams. This is, I have said before, in the face of the fact that the Recovery Team finds the survival to be greater with respect to transportation than it is with spillage.

What are the costs? Well, the initial costs of lost power generation estimated by the National Marine Fisheries Service itself are in the $25 to $35 million range. The Bonneville Power Administration estimates costs much higher than that if the spills are extended into August as many expect. If that takes place and if there are no other changes in the law, it is almost certain to trigger a 10-percent increase in the power charges imposed by the Bonneville Power Administration because of the loss of this low-cost hydro power. That 10 percent rate increase, in turn, will almost certainly force the closure of one, or more than one, of the aluminum mills in the region, which are already in desperate condition because of competition from very cheap Russian aluminum being dumped onto the world market.

So the cost, in addition to the 10-percent increase to all Bonneville ratepayers, may be hundreds or even thousands of jobs in aluminum mills in the Pacific Northwest. At this point, since we only heard of this proposal last evening, only the roughest of cost estimates can be made. But it is clearly possible that if one takes the percentage of additional survival which the National Marine Fisheries Service estimates and its estimate of the number of smolts that will go down the river this year and will come back at the end of their life cycle, that we may very well, as ratepayers in the Pacific Northwest, pay $1 million per wild salmon—$1 million for each additional wild spring chinook salmon that returns up the river. Perhaps that figure is as low as $500,000 per salmon, but it could easily be $1 million per fish.

I have gone on and estimated the impact on the hatchery stock of spring chinook salmon—something secondary to the National Marine Fisheries Service purposes in this case—and calculating in the same way and evaluating wild stock equally with hatchery stock, we might bring that figure down to $50,000 per salmon. But still, even if we include both the hatchery stock and the wild stock and use the survival rates used by the National Marine Fisheries Service itself, we are talking about $50,000 per fish—if they are right and this will help. But weighing against that is the view of many members of the recovery team, and those who have reviewed its report, that because of the supersaturation of the water, we will actually lessen survival rather than increase it.

Madam President, this proposal is lunacy. I am delighted that the Corps of Engineers has at least put up a yellow light and said: Look at this problem of supersaturation, get the permission of the Governors to violate their own laws before you go ahead and do it.

I want to protect salmon runs in the Pacific Northwest very badly. So, I am sure, does the President, who also represents the State of Washington, and all of the Members of our congressional delegation, and those of Oregon and Idaho and Montana, as well. The salmon are part of our heritage, and they are obviously a vitally important part of our economy.

Nevertheless, we have to face the fact that we have limited resources to devote to salmon recovery and therefore should use them in the wisest and most effective possible manner. Perhaps there is never going to be a regional consensus on one specific salmon recovery plan. Too many different interests are involved, and our scientific knowledge is still limited. That is not an excuse, however, for failing to use the best scientific evidence that we have available at the present time. That best evidence would come from the finest team of experts we could find, and we should follow that team's recommendations to the best of our ability.

That, however, we have already done. That is exactly who the recovery team consisted of and what the recovery team recommended. I have warned the National Marine Fisheries Service that to ignore the recovery team's clearly would reduce the entire process to a cynical exercise in public involvement. This appears, unfortunately, to be exactly what is happening.

Under pressure from a recent court decision that some have interpreted as contradictory to the recovery team recommendations, the National Marine Fisheries Service seems to be beating a hasty retreat. Instead of rallying around the recovery team and supporting the team plan, and indeed its own opinion on hydro system operations, the National Marine Fisheries Service is going off in another direction, one which is extremely risky for fish, extremely costly to the people of the Pacific Northwest, and one that will almost inevitably lead to more drastic measures with an equally questionable chance of success.

The National Marine Fisheries Service proposal means that there will be more fish traveling in the river. Can anyone tell us that this will not eventually lead to demands for even greater

flows to speed those fish down the river?

Having criticized this proposal by the National Marine Fisheries Service as sharply as I have, I am obviously obliged to provide an alternative.

Madam President, I have for a long time vocally advocated changes in the Endangered Species Act which will create a greater balance between the interest of the particular endangered species and the general interests of society—economic, social, cultural, historic, and the like. Those proposals are controversial. They are unlikely to pass Congress during the course of this year. I think we can put them to one side at this point. I think it appropriate to put them to one side and to say "Let us do what the recovery team proposed, work within the Endangered Species Act itself and see whether or not we can make it work." This may be an admission against my interest, because if in fact the National Marine Fisheries Service cannot make it work in the way in which the people of the Northwest consider balanced, if they start costing thousands of jobs and do not do the task they have set out to do by this proposal, I suspect that pressure to change the underlying act itself will be even greater.

In connection with this proposal, I believe I have reflected views which I understand have been expressed today to the administration by the distinguished Speaker of the House of Representatives, who sees the same potential catastrophe from this proposal I have outlined to this body.

So I propose that the National Marine Fisheries Service adopt the Recovery Team plan lock, stock, and barrel, on the grounds that it is the best available, peer-reviewed, scientific proposal on the subject of this spring chinook salmon run.

If, on the other hand, the National Marine Fisheries Service or any other Federal agency decides as arbitrarily as it seems to be deciding at the present time that additional measures such as these huge spills are required, then let the cost of that additional measure come from the Federal Treasury.

I am sick and tired of the ratepayers of the Northwest being stuck with exorbitant Endangered Species Act related costs simply because the Bonneville Power Administration is a convenient revenue generating machine. The administration could easily say that any of these additional costs will be subtracted from the Bonneville Power Administration's debt. It could under those circumstances engage in these experiments to its heart's content without threatening the jobs of workers in the aluminum industry and other energy-intensive industries, and without threatening the cost of power for the people of the Pacific Northwest who are dependent on the Bonneville Power Administration.

Until the administration agrees to defray these costs, however, it seems to me that the most appropriate step is for the Governors of the States of Washington and Oregon to refuse to grant the consent which they have been asked to grant by the Corps of Engineers. After all, these State law requirements were designed to prevent water quality problems such as supersaturation, and were entered into after great study and with great care and should not arbitrarily be abandoned because the National Marine Fisheries Service is under political pressure to do something.

Ratepayers in the Pacific Northwest are already paying more than $350 million per year for salmon recovery, and that amount has more than doubled in the course of the past 2 years. Even if we go with the Recovery Team's plan, those costs will increase. But under those circumstances, they will increase for purposes and for goals which a scientific recovery team says are likely to be successful and to help us with our quest in the Pacific Northwest. If the administration wishes to ignore the Recovery Team to ask for more, it ought to pay for it itself, and the way to pay for it is by subtracting all of these additional costs from the Bonneville Power Administration debt.

Our Governors can help us in this cause. Our Speaker and our congressional delegation can help us in this cause.

I believe this will reflect the desire of the people of the Pacific Northwest to have salmon recovery, their desire to see to it that it is scientifically based, and their desire to see to it that they get value for the money they invest in this important cause.

Madam President, this is an urgent situation. It is something that I hope the administration will reconsider. It is something I hope our Governors will help us on. It is the way to deal properly both with the salmon, given the present Endangered Species Act, and with the needs of the people of the Pacific Northwest for inexpensive power, not just for their homes and for their small businesses but for the industries upon which their prosperity is based.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOD FINANCIAL MISMANAGEMENT

Mr. GRASSLEY. Madam President, I would like to speak about gross, continuing financial mismanagement at the Department of Defense [DOD].

I have spoken on the issue a number of times over the past year.

Last week, I spoke about the financial horror stories laid out before Senator GLENN's Governmental Affairs Committee on April 12, and the need for accountability.

Today, I would like to follow up on the need for accountability.

All the available evidence suggests the situation is getting worse.

A slew of recent DOD inspector general [IG] and GAO audit reports clearly suggest DOD is faced with a deepening and a dangerous financial crisis, and the outlook for reform is dim.

Now, the new DOD Comptroller, Mr. John Hamre, deserves a lot of credit for what he is trying to do. He is leading the Department out of the dark ages of denial. He is creating the kind of atmosphere where real reform could happen. He is developing a plan to fix the problem. He is on the right track.

But I fear his plan is lacking in one vital area—accountability.

Without accountability, Mr. Hamre's plan just will not work.

The bureaucrats will do him in. They are already responding to Mr. Hamre's initiatives in very positive but predictable ways. Of one thing, I am sure. The bureaucrats will drag their feet.

The Pentagon bureaucrats have already erected a major roadblock. They are saying the Hamre fix cannot be made overnight. The system is so big and complicated. It is an evoluationary process that will take years to fix—5, 10, or more years.

Well, that is bureaucratic baloney. That is just not good enough.

A good dose of accountability right now would get the bureaucrats off the dime and Mr. Hamre's reforms moving at a more reasonable pace.

Mismanagement must have consequences. Responsible officials should be identified and removed from office.

In my last speech, I identified four senior officials at the Defense Finance and Accounting Service or DFAS, including the Director of DFAS, Mr. John P. Springett, who are accountable.

I believe Mr. Springett and his management team are directly responsible for the continuing lack of internal controls and discipline in accounting.

Mr. Hamre defends Mr. Springett. He believes Mr. Springett is helping him fix the problem.

I do not buy it. I think Mr. Hamre needs a reality check.

I am not interested in Mr. Springett's promises. I am interested in his performance over the last 4 years.

What has Mr. Springett accomplished as boss—top manager—at DFAS since the day DFAS was created—November 26, 1990?

DFAS was one of the famous DMR or Defense management report initiatives. DFAS was created to clean up

the mess, and Mr. Springett was placed in charge of the cleanup.

Did Mr. Springett do the cleanup, or did he make significant progress?

As I said in the beginning, we have a slew of new IG and GAO audit reports.

All the reports point to just one conclusion: Mr. Springett has been a dismal failure as Director of DFAS. I know of no other way to say it.

To gauge Mr. Springett's performance, I would like to examine two key issues: His progress on unmatched disbursements; and negative unliquidated obligations or NULO's pronounced new-low's.

I have a document signed by the late Mr. Donald J. Atwood who launched the DMR initiatives. He was the Deputy Secretary of Defense at the time. The document is dated April 14, 1992. In this document, Mr. Atwood outlines DFAS's mission.

One of DFAS's most important jobs, according to Mr. Atwood, was to eliminate unmatched disbursements.

Unmatched disbursement are so dangerous because they signal the breakdown of internal control over money.

I quote from the April 1992 Atwood document:

On October 24, 1991, guidance was issued requiring the DOD Components, under the leadership of the Defense Finance and Accounting Service, to develop a plan for eliminating unmatched disbursements. The Components were requested to identify future actions that will preclude unmatched disbursements in the future. The Defense Finance and Accounting Service is tasked with implementing those plans and actions.

That order went out in October 1991.

That was over 2 years ago.

The DMR, Mr. Atwood, and the Comptroller all told Mr. Springett to get on the stick; clean up the mess; and eliminate unmatched disbursements.

I bet Mr. Springett promised the last Comptroller that he would help him, too.

Today's $41 billion in unmatched disbursements stands as a monument to Mr. Springett's do-nothingness. Under the leadership of Mr. Springett, the unmatched disbursements have continued to pile up.

The April 1992 Atwood document also reveals that DFAS had other important marching orders. These too were ignored.

DFAS was ordered on February 18, 1992, to "review and resolve all account balances with negative unliquidated obligations."

Negative unliquidated obligations are accounts where total disbursements exceed available funding. These are called new-low's. They may constitute violations of the Antideficiency Act. Those who knowingly and willfully violate this law can be fined or imprisoned.

Did Mr. Springett fix this problem? Again, the answer is "no."

In fact, a March 1994 DOD IG audit report states that DFAS is making new-low's worse by knowingly forcing payments on to the wrong accounts.

This devious DFAS maneuver is done for two reasons: First, to conceal the practice of writing checks on accounts that are in the red; and second, to keep the number of unmatched disbursements down.

The IG says DFAS finance center at Columbus, OH, had $3.1 billion of new-low's at the contract line-item level, and 2,659 contracts has negative balance totaling $408 million.

The IG says the new-low problem is continuing to deteriorate.

The situation is so bad that Mr. Hamre had to issue a special directive, ordering DFAS to immediately stop writing checks against accounts with negative balances.

Madam President, I ask unanimous consent to print Mr. Hamre's directive, dated March 31, 1994, in the RECORD.

There being no objection, the directive was ordered to be printed in the RECORD, as follows:

COMPTROLLER OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, March 31, 1994.

Memorandum for Secretaries of the Military Departments, Under Secretaries of Defense, Assistant Secretaries of Defense, General Counsel, Inspector General, Commander-in-Chief, United States Transportation Command, Director, Administration and Management, Directors of the Defense Agencies, President, Uniformed Services University of the Health Sciences, Director, Joint Staff, Directors of DOD Field Activities, Director, Joint Logistics Systems Center.

Subject: Negative Unliquidated Balances/Disbursements in Excess of Obligations.

In February the Senior Financial Management Oversight Council met to consider the Department's compliance with the Antideficiency Act. In preparation for that review, I learned that the Department routinely disburses funds in excess of available balances. In colloquial terms, the Department routinely writes checks on accounts that are "in the red," under the assumption that these accounts are in the red because of innocent accounting errors. Indeed, even when accounts have been in a deficit status for some time, Department procedures permit continued expenditure of funds against those negative balances. In other cases, funds are expended in excess of recorded obligations.

Such practices are clearly contradictory to the Antideficiency Act and flatly violate minimum standards of sound financial management. We cannot continue these ad hoc practices.

To correct these unacceptable situations, I am directing the implementation of certain policies on a DoD-wide basis as highlighted below:

If disbursements exceed obligations and the appropriation manager does not have sufficient unobligated balances available, payments will be stopped immediately until the condition has been corrected.

If disbursements exceed obligations and the appropriation manager or fund holder has sufficient unobligated balances available, an obligation will be required to cover such disbursements if the condition [disbursements in excess of obligations] is not corrected within a specified period of time—generally 120 days.

I have attached detailed implementing policy guidance, which will take effect immediately.

As a Department, we have become complacent to accept negative balances as the product of errors with few people feeling responsible for correcting the problem. As of December 31, 1993, the Department had 23 accounts "in the red" and another 23 accounts in which disbursements exceeded recorded obligations. The Comptroller is the fund holder for 22 of those accounts. I have asked the Inspector General, DoD, to initiate an investigation of 10 potential Antideficiency Act violations in accounts for which my office is responsible. The new guidelines that I am hereby implementing are designed to correct this long-standing problem.

These new policies will entail a painful period of initial implementation. I recognize that it may be necessary to quickly reprogram funds in order to maintain valid disbursements and to avoid disruption of Defense programs. Also, it may be necessary for DoD Components to reserve additional funds in order to deal with contingencies created by the implementation of these policies. Accordingly, I have asked my staff to work closely with your staffs to maintain expeditious payments and well executed programs.

Ms. Susan M. Williams is my staff contact for this matter. She may be reached at (703) 697-3193.

JOHN J. HAMRE.

DEPARTMENT OF DEFENSE ACCOUNTING POLICY AND PROCEDURES FOR RESOLVING DISBURSEMENTS IN EXCESS OF OBLIGATIONS AT THE APPROPRIATION/FUND HOLDER/OBLIGATION LEVELS

I. BACKGROUND

A. Generally, disbursements in excess of obligations occur as a result of accounting or disbursing errors. This condition normally occurs when an accounting station records an expenditure transaction—a disbursement made by a disbursing office—in the official accounting records against a fund holder's availability, and the disbursement is in excess of a previously recorded obligation for that same transaction. This condition may also occur when an expenditure transaction does not match any obligation in the official accounting records or for other reasons.

1. If the condition occurs at the appropriation level, the appropriation manager could be the Office of the Deputy Comptroller (Program/Budget)—for Defense-wide accounts—the Assistant Secretary (Financial Management) of the Military Department, or the Comptroller of the Defense Agency/Field Activity involved.

2. If the condition occurs at a lower level, i.e., major command, field activity level, program office, etc., the fund holder could be the activity or organization that has Antideficiency Act responsibility as delegated by funding documents.

B. When disbursements exceed obligations, accounting stations must perform substantial and intensive research to correct the erroneous transactions. In most cases, the errors are discovered and resolved, and the accounting records and official accounting reports, e.g., document control files, transaction ledgers, general ledgers, reports, etc., are corrected.

C. In some cases, an accounting or disbursement error is not the cause of disbursements in excess of obligations and the conditions cannot be easily corrected. These situations require further research that may lead to the discovery of a potential violation of the Antideficiency Act or other serious conditions.

D. Disbursements in excess of obligations may occur under three different primary conditions. These conditions, which are addressed separately in Sections II.A.1., II.A.2., and II.A.3., below, include:

1. Disbursements in excess of recorded obligations at the appropriation level when the appropriation manager does not have sufficient unobligated balances available in amounts that equal, or exceed, the amount by which disbursements exceed recorded obligations at the appropriation level.

2. Disbursements in excess of recorded obligations at the appropriation or fund holder level when the appropriation manager or fund holder do have sufficient unobligated balances available in amounts equal to, or in excess of, the amount by which disbursements exceed recorded obligations at the appropriation/fund holder level.

3. Disbursements in excess of obligations at the obligation level, including when no obligations has been recorded.

E. This guidance provides policy and procedures for the correction or remedy of conditions caused by disbursements in excess of obligations at the appropriation/fund holder/obligation levels. In summary, such corrective actions involve:

1. The research, and when possible, correction of conditions caused by accounting and disbursing errors.

2. The reservation, commitment, and when conditions warrant, the obligation of funds.

3. The investigation and, when conditions warrant, the reporting of violations of the Antideficiency Act when an investigation determines that a violation has occurred.

F. To assist in the implementation of necessary corrective action, each DoD Component will be required to designate a central point of contact within their Component's headquarters-level financial management office. This individual (hereafter referred to as the "appropriation manager") will be responsible for receiving, processing and taking other appropriate actions upon notification by the Defense Finance and Accounting Service accounting stations or other accounting stations.

II. RESPONSIBILITIES

A. The Defense Finance and Accounting Service (DFAS) and other Accounting Stations shall:

1. When an appropriation does not have sufficient unobligated balances available that equal, or exceed, the amount by which disbursements exceed recorded obligations:

a. Immediately stop all future payments until the condition is satisfactorily resolved.

b. Immediately begin research efforts to determine the cause of the condition and correct any accounting and/or disbursing errors identified.

c. Immediately notify the appropriation manager that:

(1) All payments against the appropriation have been stopped and that a potential Antideficiency Act violation exists.

(2) To the extent that any availability exists in the appropriation, such funds are required to be reserved, committed or obligated until the condition is satisfactorily resolved.

d. If, at the end of 120 days from the date of discovery of the condition, research effort fails to result in the correction and elimination of the condition, immediately notify the appropriation manager that:

(1) To the extent that any availability exists in the appropriation, the funds are required to be obligated within 5 days and the obligation remain until such time as the condition is satisfactorily resolved.

(2) An obligation funding document is to be provided to the DFAS or applicable Accounting Station.

(3) A potential violation of the Antideficiency Act should be reported and an investigation initiated, if one is not already underway.

e. For appropriations, whose availability for new obligations expired at the end of FY 1986 through the end of FY 1991 and which have not yet been canceled, charge all future payments to the applicable current appropriation, subject to a 1 percent limitation and other restrictions, when:

(1) The provisions of section 1004 of Public Law 102-484, National Defense Authorization Act for FY 1993 apply, and

(2) The provisions of an Acting DoD Comptroller memorandum, dated December 4, 1992, subject: Additional Requirements Associated with Merged, Expired, and Canceled Accounts, are met, and

(3) The appropriation manager authorizes such action.

(f) Once applicable additional funding has been made available and obligated, the DFAS or applicable Accounting Station will initiate action to resume payments.

2. When the fund holder does have sufficient unobligated balances available that equal, or exceed, the amount by which disbursements exceed recorded obligations at the appropriation/fund holder level:

a. Immediately begin research efforts to determine the cause of the condition and correct any accounting and/or disbursing errors identified.

b. Immediately notify the fund holder that the fund holder is required to reserve, commit or obligate funds in an amount equal to the amount of disbursements in excess of obligations and retain such amounts in the fund holder's account until such time as the condition is satisfactorily resolved. This may involve withdrawing funds already allotted or reserving unallotted amounts at higher command levels.

c. If, at the end of 120 days from the date of discovery of the condition, research effort fails to result in the correction and elimination of the condition:

(1) Immediately notify the appropriation manager, with a copy to the fund holder, that:

(a) The fund holder, is required to obligate, within 5 days, funds in an amount equal to the amount of disbursements in excess of obligations and retain such amounts in the fund holder's account until such time as the condition is satisfactorily resolved. This may involve withdrawing funds already allotted or reserving unallotted amounts at higher command levels.

(b) An obligation funding document is to be provided to the DFAS or applicable Accounting Station.

(2) After the receipt of a funding document from the applicable DoD Component, record an obligation.

3. When disbursements exceed obligations at the obligation level:

a. Immediately begin research efforts to determine the cause of the condition.

b. If, at the end of 120 days from the date of discovery of the condition, research effort fails to result in the correction and elimination of the condition, immediately notify the fund holder that:

(1) Disbursements exceed obligations at the obligation level.

(2) If, at the end of 60 days from the date of the notification, further research efforts of the fund holder fail to result in the correction and elimination of the condition, the fund holder is required to immediately:

(a) Obligate funds sufficient to cover the disbursement in excess of the obligation, and

(b) Provide the DFAS or applicable Accounting Station an obligation funding document, and

(c) Maintain that obligation until such time as the condition is satisfactorily resolved. This may involve withdrawing funds already allotted or reserving unallotted amounts at higher command levels.

4. When a disbursement transaction is cross-disbursed and

a. The DFAS or other Accounting Station that received the disbursement transaction agrees that the disbursement is a valid charge to the obligation, fund holder, appropriation or DoD Component, the policy guidance in sections II.A.1. through 3. applies.

b. The DFAS or other Accounting Station that received the disbursement transaction, and the DFAS or other Accounting Station that made the payment, agree that the disbursement is not a valid charge to the obligation, fund holder, appropriation or DoD Component charged; and also agree as to the proper obligation, fund holder, appropriations or DoD Component to be charged, then a correction document will be initiated to charge the proper obligation, fund holder, appropriation or DoD Component.

B. The Deputy Comptroller (Program/Budget) (ODC(P/B)), the Assistant Secretaries (Financial Management) of the Military Departments, Comptrollers of the Defense Agencies and DoD Field Activities and other Fund Holders shall:

1. Designate an appropriation manager to receive, process and take actions on notifications from the DFAS or other Accounting Stations, and to take other appropriate action(s) regarding the stoppage of payments, the expedition of the obligation of disbursement transactions within prescribed timeframes allotted for such action(s), and other actions provided for in this guidance.

2. After the receipt of an initial notification from the DFAS or other Accounting Station that a disbursement exceeds an obligation at the appropriation/fund holder level, but sufficient unobligated balances are available that equal, or exceed, the amount by which the disbursements exceed recorded obligations at that level:

a. Reserve, commit, or obligate funds.

b. Provide the DFAS or applicable Accounting Station a commitment or obligation funding document, as appropriate, to cover the amount of this disbursement that exceeds the obligation.

3. Within 5 days after the receipt of a 120-day notification from the DFAS or other Accounting Station that a disbursement exceeds an obligation at the appropriation/fund holder level:

a. Obligate funds.

b. Immediately initiate a review of the circumstances to determine whether an investigation of a potential Antideficiency Act is warranted.

c. Notify the Office of the DoD Comptroller when an apparent/potential violation of the Antideficiency Act has occurred, through appropriate funding channels.

d. Initiate an investigation of an apparent violation of the Act when an investigation of a potential Antideficiency Act violation is deemed appropriate.

e. Provide the DFAS or applicable Accounting Station an obligation funding document to cover the amount of the disbursement that exceeds the obligation.

4. Within 60 days from the date of a 120-day notification from the DFAS or other Accounting Station that a disbursement ex-

ceeds an obligation at the obligation level and the condition has not been corrected:

a. To the extent availability exists in the appropriation, provide the DFAS or applicable Accounting Station an obligation funding document to cover the amount of the disbursement that exceeds the obligation.

b. To the extent sufficient availability does not exist in the appropriation:

(1) Request a realignment of funds within an account or between accounts, a reprogramming of funds, a deficiency supplemental, or other acceptable funding solution, as applicable and appropriate.

(2) Provide the DFAS or applicable Accounting Station an obligation funding document to record an obligation under section 1004 authority, if applicable.

(3) Forward supplemental funding documents to the DFAS or applicable Accounting Station to cover any funding shortfalls.

5. Immediately initiate a review of the circumstances to determine whether an investigation of a potential Antideficiency Act is warranted, and, as appropriate, notify the Office of the DoD Comptroller that a fund holder may not have sufficient unobligated balances available that equal, or exceed, the amount by which disbursements exceed recorded obligations and a potential violation of the Antideficiency Act may have occurred.

6. Submit a report of violation in accordance with DoD Directive 7200.1, Administrative Control of Appropriations, if the investigation reveals that an Antideficiency Act violation has occurred.

7. Advise the DFAS or applicable Accounting Station to correct any error(s) when applicable reviews or investigations identify any error(s) as the cause of the condition.

C. When (1) funds in a particular Defense-wide account are allocated to a number of fund holders (limits) and (2) disbursements exceed obligations at the appropriation level, but not at a fund holders' level, the Deputy Comptroller (Program/Budget) shall ensure that:

1. The applicable DoD Component(s) reserves, commits or obligates appropriate amounts against the fund holders' accounts.

2. A report of a potential violation is submitted to the DoD Comptroller.

3. An investigation of a potential violation of the Antideficiency Act is initiated.

4. Corrective actions are taken by fund holders and the DFAS or applicable Accounting Station, as appropriate.

D. Effective date:

1. Section II.A.3 of this guidance is effective October 1, 1994.

2. This guidance is applicable to Military Personnel, Reserve Personnel, and National Guard Personnel appropriations effective October 1, 1994.

3. All sections of this guidance (other than section II.A.3) are applicable for all other appropriations and funds (other than Military Personnel, Reserve Personnel, and National Guard Personnel appropriations) as of March 31, 1994.

Mr. GRASSLEY. Madam President, Mr. Hamre states and I quote:

The department routinely writes checks on accounts that are in the red. Indeed, even when accounts have been in a deficit status for some time, Department procedures permit continued expenditure of funds against those negative balances.

That Mr. Hamre should have to issue such an order is a disgrace.

It castes doubt and distrust on DFAS and its Director, Mr. Springett.

Writing checks on accounts that are in the red violates Federal statutory law. It violates DOD regulations, and it violates commonsense practices. To repeatedly and routinely write bad checks is careless and irresponsible.

Comptroller General Bowsher says "such practices are inexcusable and must not be tolerated."

A consensus was reached at Senator GLENN's April 12 hearing: Someone must be held accountable for what is happening.

Deputy DOD IG Vander Schaaf and Comptroller General Bowsher both suggested in testimony that senior officials in accounting and finance are responsible.

Madam President, Mr. Bowsher has offered to conduct an investigation to determine more precisely where accountability lies.

The law requires that much.

Under title 31 of the United States Code, Mr. Bowsher had broad responsibilities to ensure that expenditures are recorded, accounts are accurate, and accountability of assets is maintained.

He is authorized to settle accounts and to recover public money illegally or erroneously paid. Money can be recovered from public officials who acted in bad faith or who failed to diligently carry out their duties.

The settlement of accounts and recovery improper payments requires detailed audit and investigative work, work that needs to be undertaken by Mr. Bowsher's office.

Madam President, I call on Mr. Bowsher to help us pinpoint responsibility.

Madam President, I yield the floor, and since I do not see anybody else seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, I have sought recognition to express my view that the arms embargo, which eliminates the right of self-defense of Bosnia and Herzegovina, should be lifted. Hopefully, the arms embargo can be lifted on a multilateral basis where the United States would be joined by our allies in such a course of conduct, an action in support of the Bosnia Moslems.

Unless that can be done by international agreement on the basis of the current record, it seems to me that we ought to act unilaterally to end the arms embargo. I have talked to ranking officials at the Department of State who have expressed a strong view that the Dole resolution not be enacted so that the administration would have further time to try to work on an arrangement which would find support among our allies.

It may well be that the resolution offered by Senator DOLE, which was debated a week ago last Thursday, has had some significant impact, in view of the strong support which was expressed during the course of that debate. I also made a statement on the floor on April 21, 1994.

There has been a suggestion that an alternative resolution would be offered by Senator MITCHELL, a matter which was discussed earlier today in the Republican caucus, and a proposed resolution which was referred to by officials of the State Department. But, as yet, according to information provided to me, that resolution has not been filed.

Mr. President, it is my view that some very forceful action is necessary to assist the Bosnian Moslems, and I am prepared to await the filing of the Mitchell resolution and to consider it. But unless something very forceful is done, it seems to me that it is minimal for us to remove the arms embargo and, if necessary, to take that action unilaterally. The atrocities in that war are really unspeakable. There is no call to recount them or to refer to them at this time, because they are universally agreed upon.

It is my view, my legal judgment, after reviewing the legalities of the matter, that there is no legal impediment to the United States unilaterally lifting the arms embargo. The arms embargo was imposed on the former Yugoslavia before there was even a nation of Bosnia. The right of self-defense is as fundamental as any right in human existence—self-preservation and self-defense. That right has been embodied in article 51 of the U.N. Charter.

The issue of doing more has been debated on this floor and has been debated around the world, in terms of airstrikes, which I have supported and spoken about. On the issue of ground support, it is very hard to see any realistic possibility of the United States or the United Nations engaging in ground support to try to end that bloody battle. We ought to be doing as much as we can realistically, and the airstrikes are one line of approach. Another line of approach is the lifting of the arms embargo.

The issue really has to be resolved once and for all, Mr. President, and on the current state of the record, it is my view that the Dole resolution offers the best alternative. We are not scheduled to vote on this until tomorrow, and we will have a chance to examine what-

ever it is that Senator MITCHELL may offer as an alternative.

One further comment on this matter, Mr. President. When a resolution was offered on January 27, 1994, which called for support for Bosnia, I was one of seven Senators who opposed that resolution on a vote which I believe was 89–7 because that resolution had a provision which said

> The President should provide appropriate military assistance to the Government of Bosnia and Herzegovina upon a receipt from that Government for a request for assistance in exercising its rights of self-defense under article 51 of the United Nations Charter."

I was unprepared, Mr. President, to give President Clinton a blank check to provide what he might deem "appropriate military assistance" because I think that is really a matter for the Congress. In dissenting from that resolution, it was not because I was opposed to aiding Bosnia and Herzegovina, but because I was opposed to issuing that kind of a blank check for the President of the United States.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed as in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCIENTIFIC RESEARCH AT THE UNIVERSITY OF PENNSYLVANIA

Mr. SPECTER. Mr. President, I had the occasion yesterday to visit the University of Pennsylvania and to observe the results of scientific research, which are very heartening and which show the value of appropriations by the Congress of the United States for the National Institutes of Health. Those funds have been not only maintained but increased over the course of the past 14 years in the face of very substantial budget cuts and in the face of consistent recommendations by the administration, whether it is a Republican administration or Democratic administration, to cut that funding.

Ten years ago, those appropriations were in the range of $5 billion. For fiscal year 1994, the appropriation is almost $11 billion—it is $10.9 billion.

Among the very difficult decisions which we have to make, the Subcommittee on Labor, Health, and Human Services, and Education, chaired by the distinguished Senator from Iowa, Senator HARKIN, where I am the ranking Republican, are those appropriations by some $6 billion last year.

Yesterday, I had the opportunity to meet with Dr. James Wilson, who is a brilliant, young research physician having both an M.D. and Ph.D. He is head of the human gene therapy program at the University of Pennsylvania Medical Center. In commending Dr. Wilson for his work, I want to add that he has had very considerable help, and that there are many who are jointly responsible for the enormous achievements which have been made there. What happened, essentially, is that there has been gene therapy which has already had very marked, wondrous results on reducing the cholesterol level of a patient to stop the hardening of the arteries and in providing relief from the dreaded disease of cystic fibrosis.

These breakthroughs on gene therapy are wondrous results which alleviate human suffering, which will prolong life, and which will have the potential for enormous savings in medical costs in the United States. One of the concerns which I have is the proposals on medical matters which are now pending in the Senate and in the House which would reduce the kind of funding for medical institutions like the University of Pennsylvania and like many others around the country which are finding really phenomenal results to alleviate human suffering, prolong life, and very markedly bring down the costs of medical care.

Dr. Wilson outlines that on cystic fibrosis, which strikes children, the cost ranges into $1 million in the course of some 30 years of treatment at a cost of about $35,000 a year, and the prospects are present to have a single year's treatment alleviate the problem of cystic fibrosis.

When I speak of these matters, I want to emphasize that the achievements are just in their beginning stages, and they have made this progress in the course of the last 5 years since 1989. The opportunities for the future are really boundless.

I also want to comment on a visit which I paid to another distinguished researcher, Dr. Ralph Brinster, a world renowned genetic expert at the University of Pennsylvania veterinary school where there has been research done on ways of changing the composition of the genes of animals from one generation to the next. There is the process of genetically altering sperm cells in animals so the traits passed down from one generation to the next could be changed. The work of Dr. Brinster has resulted in the application for a patent.

There has been some concern that his work might be applicable to humans as well. There is no indication of that at the present time, and the aspects of the ethical considerations in alteration of genes is under very intense scrutiny by the officials at the University of Pennsylvania both as to the work which is being done by Dr. Ralph Brinster and also the work by Dr. James Wilson. The work of Dr. Brinster has applicability already beyond the changing of the cells of animals to application in plants where there is an opportunity for tremendous increase in quality and quantity of plant growth.

Having met these two distinguished doctors yesterday, I wanted to share with my colleagues and also with those who may be watching on C-SPAN II the kinds of dramatic results which are in the works with their scientific research.

Dr. Wilson comments, and I think it is appropriate to pass on his comments, that there is very intensive research being done as to cancer and as to AIDS on the changing of the cell dynamism which have great potential promise for the future.

Mr. President, I ask unanimous consent that the full text of an article from the New York Times, dated April 1, 1994, be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. I thank the Chair.

That statement refers to the work of Dr. Wilson and Dr. Mariann Grossman at the University of Pennsylvania Medical Center.

I further ask unanimous consent that the full text of an article in the Philadelphia Inquirer, dated April 8, 1994, concerning the work of Dr. Ralph Brinster be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, these articles give a fuller picture of the achievements already made and of the potential for the future.

I can assure those who are concerned about this kind of research that the Subcommittee of Appropriations on Labor, Health, Human Services and Education will be giving very serious consideration to the appropriations for NIH which will enable these research experts and others to carry on the very important work of this field.

I thank the Chair and yield the floor.

EXHIBIT 1

[From the New York Times, Apr. 1, 1994]

GENE EXPERIMENT TO REVERSE INHERITED DISEASE IS WORKING

(By Natalie Angier)

PHILADELPHIA, March 31—The first effort to reverse an inherited disease permanently by altering the genetic makeup of a patient's cells so far shows all the signs of a real, if modest, triumph.

In results to be published on Friday in the journal Nature Genetics, researchers said they had partly corrected a devastating cholesterol disorder called familial hypercholesterolemia by supplying the patient, a 30-year-old woman from Quebec, with copies of an essential gene she lacks.

The new paper is the first to report any therapeutic benefits of human gene therapy, a radical approach to treating disease that has been rich in publicity but, until now, quite thin on hard data. Now, scientists and others have their first opportunity to scrutinize the real merits of gene therapy and decide what its benefits and limitations may be.

Announcing the results of their first patient's outcome almost two years after the

woman received gene therapy, Dr. James M. Wilson and Mariann Grossman of the University of Pennsylvania Medical Center and their colleagues said at a news conference that they had cut the woman's harmful cholesterol levels by almost 20 percent and raised her concentration of so-called good cholesterol significantly.

Recent scans of her arteries showed no evidence of progressive clogging, a problem that had caused the woman to suffer a heart attack at the age of 16 and require coronary bypass surgery at 26. Familial cholesterolemia, an extremely rare condition, causes such severe buildup of cholesterol throughout the body that many people with the disorder die of heart attacks in childhood or adolescence.

The researchers emphasized, however, that the woman's cholesterol level remained quite high—more than twice the normal range—and that they had no idea whether their intervention would end up prolonging her life.

"We've achieved a partial correction of a metabolic defect," Dr. Wilson said in an interview. "This shows that the principle of gene therapy is sound, and that it can work. We have high hopes for this patient, but what will happen to her in the long run, there is no way of predicting now."

The gene therapy procedure is a physically grinding ordeal, requiring major surgery. In it, the researchers remove about 15 percent of the liver, separate and grow the cells in plastic dishes and supply the cells with copies of the gene they need, using a harmless virus as a delivery shuttle. The crucial gene dictates the production of the so-called low-density lipoprotein receptor, the body's sponge for harmful cholesterol. A billion of those manipulated cells are then reinfused into the patient through the portal vein that feeds the liver, where at least some of them resettle into their home base and begin producing the needed cholesterol receptor.

Dr. Wilson has estimated that about 3 to 5 percent of the woman's liver cells are now behaving as vigorous liver cells do, generating the receptors and pulling cholesterol from the bloodstream.

Appearing at the news conference, the woman, who has asked that her name and picture not be used, appeared to be as healthy—and as shy—as a teenager. Her blond hair swept back and her prim white blouse buttoned up to the collar, she said she had felt "very well" since the operation in 1992. Speaking through an interpreter in her native French, she said: "I feel very well physically and morally. I feel I can do more physical activity, like skiing, dancing and other social activities."

2 BROTHERS DIED

Two of her brothers died of heart attacks in their early 20's as a result of familial hypercholesterolemia, but she sounded an optimistic note: "I'm certainly going to live until 90 years of age." The woman, a seamstress and part-time bank teller, is also benefiting from cholesterol-lowering drugs, which had no effect on her before the gene therapy intervention. The researchers have also been pleased to see that the therapy has raised her levels of high-density lipoprotein, or good, cholesterol, for reasons that remain mysterious. This could further cut down on her risk of future heart attacks.

Hearing of the new results, other researchers were at once heartened and cautious. "These are early days, and it's exciting that it works," said Dr. Dusty Miller, a gene therapy expert at the Fred Hutchinson Cancer Research Center in Seattle. "The problem is, of course, that the liver technique is very cumbersome and difficult to do."

Dr. John Kane, director of the Lipid Clinic at the University of California at San Francisco, said, "This is far from a complete correction, but the fact that they have stable engraftment of the cells over all these months is encouraging." He added: "This is a landmark experiment. It's the Kitty Hawk of gene therapy."

4 OTHERS IN EXPERIMENT

The severe form of familial hypercholesterolemia is exceedingly rare, afflicting about one in a million people in the United States, although about one in 500 have a milder form of the disorder. Since the Quebec woman, four other hypercholesterolemia sufferers have undergone the liver redesign experiment, the youngest of them a 7-year-old girl from Philadelphia.

Dr. Wilson said a similar gene therapy protocol might soon prove useful for treating other metabolic disorders, like phenylketonuria and a hereditary inability to break down ammonia in the body. "Individually these disorders are relatively rare, but collectively they're relatively common," he said. He and others also hope to find less invasive ways of delivering new genes to liver tissue, perhaps packaging them into carrier bubbles of fat, or into cold viruses that can directly infect liver cells.

Many other gene modifying experiments are at various stages of clinical trials, among them treatments for severe combined immune deficiency disorder, cystic fibrosis and a number of types of cancer. Dr. Wilson had the great good fortune, Dr. Miller said, to be the first to reach the publication finish line.

REPAIRING LIVER CELLS

People with familial hypercholesterolemia have liver cells that lack receptors to mop up circulation-clogging LDL cholesterol. In an experimental therapy, part of the liver is removed and some liver cells are given the missing gene. When the altered cells are restored to the liver, they seem to help it handle cholesterol.

EXHIBIT 2

[From the Philadelphia Inquirer, Apr. 8, 1994]

PENN'S BID FOR A PATENT MAY SPUR GENETIC DEBATE

(By Huntly Collins)

The University of Pennsylvania has applied to patent a technique to genetically alter sperm cells in animals so traits passed down from one generation to the next could be changed.

Although the application focuses on experiments with animals, it suggests that the technique might be used in humans as well.

The patent application, reported yesterday by The New Scientist, a British journal, raises fundamental issues that have been debated for years but that have always seemed too theoretical to be taken seriously.

Now, the debate may begin in earnest.

Critics contend that so-called germ-line gene therapy, which would alter the DNA in nascent sperm cells, raises the specter of eugenics—using science to create a superior human race.

They fear that parents could use the technique for frivolous purposes, such as determining the color of a child's eyes, or for other ends, such as screening out children who might be homosexual.

But others think the technique might work medical miracles, allowing families plagued by catastrophic genetic illnesses—such as hemophilia, sickle cell anemia, or cystic fibrosis—to be rid of them once and for.

Attacking such diseases through genetic engineering of sperm cells might also be more efficient—and save more money—than the gene therapy techniques now being developed, which would change the genes in individuals but not in succeeding generations.

"For many years, a lot of people * * * thought that modifying germ lines was unethical," said Arthur Kaplan, a medical ethicist at the University of Minnesota. "From my own point of view, that doesn't make sense. If you can get rid of diseases, why wouldn't you do it?"

The patent application filed with the U.S. Patent and Trademark Office on Dec. 6, 1991, seeks to patent a technique developed by Dr. Ralph Brinster, a world-renowned researcher at the Penn veterinary school.

Although the patent application seeks to use the technique in animals, it makes passing reference to the fact that the same procedure might be used in humans.

It is the reference to humans that has provoked concern on both sides of the Atlantic as scientists grapple with the far-reaching implications.

The head of the European Patent Office in Munich told The New Scientist that the patent application raised serious ethical issues.

The journal quoted Christian Gugerell as saying it was "highly doubtful" that his agency could approve the patent.

Gugerell revealed the existence of the patent application at a recent meeting in London, the journal said.

Officials of the U.S. patent office could not be reached for comment yesterday.

But Nelson Wivel, director of the Office of Recombinant DNA Activities at the National Institutes of Health, said the agency's advisory committee, which must approve experimental gene therapy treatments in humans, "will not even review" germ-line therapy at the present time.

He said scientists have not yet perfected ways of targeting genes at specific places on chromosomes. Such imprecision could lead to calamitous mistakes. For instance, a gene that is necessary for normal development might be turned off, or a gene that can cause certain types of cancers might be turned on.

But Wivel, who reviewed Penn's patent application yesterday, said the document focuses largely on animals—primarily mice—rather than people. He said the reference to the potential use in humans appeared to reflect the university's desire to cover all its legal bases.

"If you read the patient, it's not as daunting as it might seem." Wivel said. "The document is simply a lawyer doing his or her job."

Penn officials refused to make a copy of the patent application available, saying it was proprietary information. Under an international patent treaty, such applications fall in the public domain 18 months after they are filed.

"I thought my patent application would be recognized as just an exploration of basic science," he said.

Brinster emphasized that he did not believe germ-line gene therapy was technically feasible in humans at present, "nor should it be considered now."

He said when the technology is perfected, its use in humans should be decided by the federal government only after considerable public debate.

"There should be a lively debate. The public should be thinking about it. But I'm not

the person to be at the center of the debate," Brinster said.

He said he had no strong views about the ethics of altering human sperm cells. "I'm just one person," he said. "I'd have to hear everybody else's view about it."

Brinster, a professor of reproductive physiology who holds the Richard King Mellon chair at the Penn vet school, was one of the first scientists to develop transgenic mice, which carry some human genes.

In his pathbreaking experiments, he transplanted genes for human growth hormone into a fertilized egg of a mouse. The egg was inserted into the reproductive tract of a female mouse and she gave birth to a mouse twice the size of a normal mouse.

In recent years, Brinster has turned his attention to the spermatogonia of male mice. These primitive cells are fascinating because they keep duplicating themselves and they can develop into any type of cell in the body.

Brinster, who is a member of the National Academy of Sciences, said his research was aimed at learning how these cells eventually differentiate.

He said that if his gene therapy technique works; it might be used to improve the sperm output of certain animals. He is conducting his federally funded research with a graduate student, Jim Zimmerman, whose name is also on the patent application.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

Mr. DECONCINI. Mr. President, we have before us, I believe, one of the more profound problems facing the Government of the United States and perhaps the world. We have the Dole-Lieberman amendment relating to Bosnia to unilaterally lift by law, by an act of Congress, the arms embargo against Bosnia and Herzegovina.

On the other hand, I know the majority leader—who has been an outspoken opponent and perhaps the first or second or third, but, anyway, one of the first people to come on the floor and publicly suggest the lifting of the arms embargo—is negotiating and attempting to put together a resolution that would approach it in a different manner, let me say. I hope he can do that.

Having heard his resolution this noontime, I compliment the majority leader for his genuine effort to see that the arms embargo is lifted. The only quarrel we have is whether or not it should be unilateral or totally left to the multilateral United Nations effort. Perhaps the majority leader can negotiate and add to the resolution he is considering something that would indicate that, in the event there was a failure, after the United States did in fact table or support a vote on lifting the arms embargo, that the United States or the administration would come back to Congress and support a unilateral lifting, even if it is vague as to the time, but obviously this year. We cannot wait.

In the meantime, Mr. President I have agonized over this for some time. As I say, sometimes a little bit of knowledge is dangerous, because I have been there four times. I have been to Bosnia, inside Bosnia on a couple of occasions and Belgrade and Zagreb and Macedonia and into Kosova several times. I have had an opportunity to visit and actually interview some Bosnian Moslems who were released or were able to get out of a camp that the Serbians set up. And it is devastating. It is genocide. It is murder. There are no two ways about it.

It is not all just on the Serbs. There has been atrocities by the Croats and even by the Moslems. But there is no question, when you weigh it all, there is no justification of killing somebody for the sake of you do not agree with them or like them or you want them to move, so you kill them. There can be no justification. And those who are guilty of doing it, as Moslems, as Bosnian Moslems or Croats or Croatian Moslems or Serbs, or Serb Moslems, should be brought to the proper court.

But what is going on and has gone on has been primarily perpetrated by the Serbs in Bosnia and Herzegovina and by Belgrade, by Serbia, by supporting them.

Now, the arguments against lifting the arms embargo are really fascinating to me and I want to discuss them a little bit this afternoon.

The first one is that it will be a bad example for other countries, such as some which want to lift embargoes against Iraq. That is one of the arguments that has been used. Second, would we need to give our negotiators more time to work out something? Third, that this violates international law by going against U.N. Resolution 713. And, fourth is that it is going to compound and increase the killings.

Well, the imposition of sanctions against renegade states like Iraq or Libya or Serbia and others is a direct consequence of the illegal, aggressive behavior of those states.

Bosnia and Herzegovina is a victim of outside armed aggression and has done nothing to warrant the continued imposition of an embargo which was instituted before it became an independent nation. So, at issue is the very existence of a U.N. member state which is recognized by the United States, parts of the CSCE.

This question touches on a fundamental point, the ability of a nation to defend itself in the face of a well-armed aggressor—they have done nothing wrong, Bosnia and Herzegovina; it is somebody who has done something wrong to them—given the unwillingness of the international community to come to the collective defense in a meaningful way. This is the issue before us today.

The United Nations General Assembly has, on at least two occasions, called for the lifting of the embargo against Bosnia, but we have not been able to lift it because of the Security Council. So the majority in the United Nations wants it lifted.

Right here, the vast majority of the Senators in this body have voted for it. Some say they support lifting. Well, yes, they show they supported lifting. And they supported unilaterally lifting. And now there is a big debate. We had a vote on the floor of the Senate, 87 to 9, Mr. President, supporting a call for exactly that, unilateral action to lift the embargo.

Now, I know it was a sense of the Senate, it was not legislation, but, you know, when you say you are for something, it seems to me that you are called to be for something, or you have to say, "I was not for it the first time and so I just made a mistake, so I am not going to do it."

I ask unanimous consent that a copy of that rollcall vote be printed in the RECORD at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the rollcall vote was ordered to be printed in the RECORD, as follows:

ROLLCALL VOTE NO. 8 LEG., JANUARY 27, 1994

YEAS—87

Akaka, Bennett, Biden, Bingaman, Bond, Boren, Boxer, Bradley, Breaux, Brown, Bryan, Bumpers, Byrd, Campbell, Chafee, Cochran, Cohen, Conrad, Coverdell, Craig, D'Amato, Daschle.

DeConcini, Dodd, Dole, Domenici, Dorgan, Exon, Feingold, Feinstein, Ford, Glenn, Gorton, Graham, Gramm, Grassley, Harkin, Hatch, Heflin, Helms, Hollings, Hutchinson.

Inouye, Jeffords, Johnston, Kempthorne, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Lott, Lugar, Mack, Mathews, McCain, McConnell, Metzenbaum, Mikulski, Mitchell, Moseley-Braun.

Moynihan, Murkowski, Nickles, Nunn, Packwood, Pryor, Reid, Riegle, Robb, Rockefeller, Roth, Sarbanes, Sasser, Shelby, Simon, Simpson, Smith, Stevens, Thurmond, Wallop, Warner, Wellstone, Wofford.

NAYS—9

Burns, Coats, Danforth, Durenberger, Faircloth, Gregg, Hatfield, Pell, Specter.

NOT VOTING—4

Baucus, Kassebaum, Murray, Pressler.

Mr. DECONCINI. Mr. President, others will insist here and have insisted that, "Just give us a little more time to get NATO or the United Nations on board." While this may have some appeal, we have to look at the realities. Neither NATO nor the Security Council are going to endorse the lifting of the embargo. It is not going to happen,

because it has not happened. NATO allies, with troops on the ground, will never agree as long as their forces are deployed in Bosnia. I understand that. I understand the risks.

And what happens if the Senate passes this? Does that mean there is going to be an attack? Nobody can guarantee or even surmise that that may happen. It may be that those forces that are on the ground, those countries will reassess keeping them there. But that is their judgment. At the same time, the unwillingness to take a necessary step to withdraw these troops is up to them, not up to us.

And an attempt in the Security Council would face a vote on this to make a decision, and my guess is they are going to vote no. And if they do, the United States not only should, as the majority leader's proposal will do, should be out front on it—and we have been out front—but there comes a time when you just cannot sit back and say it is OK. The international community said, "We are not going to do it; we are going to let the killing go on."

Postponing action only plays into the hands of the Bosnian Serbs and their sponsors in Belgrade by giving them more time to pursue their genocidal policies in Bosnia.

This leads to my next point. Some say we have to give negotiations more time. Well, Mr. President, the Serbs have been making a mockery at the negotiating table of the United States and of the United Nations for the past 2 years.

I quote from an article by John Pomfret, which appeared in the May 8 edition of the Washington Post. Mr. Pomfret's conscientious coverage of this conflict has been outstanding and recognized as such. He writes, in part:

> The story in which U.N. forces essentially "lost" a Serb tank in a zone around Sarajevo * * * is yet another case of the U.N. peacekeeping mission in Bosnia finding that its penchant for negotiating everything—including violation of NATO ultimatums—has created more problems than it solves.
>
> Furthermore, the United Nations' insistence on negotiating and renegotiating has sent out a signal that the organization is waffling—and that has led to a hardening of position among the Bosnian Serbs, widely considered the main aggressors in this two-year old Bosnia war.

Mr. President, the so-called "lost tank" episode this past weekend is only one more humiliating example of how ineffective the United Nations has been in trying to broker a meaningful cease-fire in this conflict.

How long will the United States continue to allow itself to be associated with a so-called negotiating effort which has degenerated even lower, if that is possible, into the keystone cop nonsense of this past weekend of the lost tank?

Now our leadership is in question and NATO's credibility has been severely undermined. Unbelievably, we are allowing its ultimatums to simply be dismissed by a U.N. representative in the name, once again, of negotiations.

Then we have the legal argument that a unilateral lifting of the arms embargo would violate U.N. Resolution 713. This does not, in my view hold up, for two principal reasons. First, the embargo, which has been maintained after Bosnia was recognized and accepted as a member of the United Nations and other international organizations, contravenes article 51 of the U.N. charter. This article clearly states that a country has the right to defend itself.

Some will say: But there is another part of article 51 which says if there are serious negotiations going on you could interpret it that they may not have the right.

That is nonsense. That is in that charter for a specific reason, that no nation is expected to not be able to defend itself. To have an embargo placed on you as that nation when you were not even a nation, then become a nation, be recognized, and then not be granted full membership rights such as compliance with article 51, makes no sense. You cannot defend it on that ground.

Second, the International Court of Justice has before it a case against Serbia brought by Bosnia alleging genocide.

Unfortunately, the Court will probably not reach a decision for another year.

But in the interim, one of the judges, Judge ad hoc Lauterpacht, in a concurring decision for the Court included in his analysis the following statement:

> [T]he inability of Bosnia Herzegovina to fight back against the Serbs and effectively prevent the implementation of the Serbian policy of ethnic cleansing is at least, in part directly attributable to the fact that Bosnia-Herzegovina's access to weapons and equipment has been severely limited.
>
> Viewed in this light, the Security Council's Resolution [establishing the arms embargo] can be seen as having in effect called on members of the United Nations, . . ., to become in some degree supporters of the genocidal activity of the Serbs . . . and to that extent to act contrary to a rule of jus cogens [the "known law" making genocide an international crime].

The bottom line, is that in addition to very strong arguments regarding the legality of the arms embargo is the moral argument.

How long will the United States continue to be an accomplice in the Bosnian slaughter for the sake of a multilateral effort which has, on several levels, become seriously discredited and obviously is not working?

Finally, the argument that lifting the embargo will increase the killing is one which really appalls me.

The Bosnians have had no shortage of determination to fight aggression and genocide.

The only thing they have lacked, thanks to the embargo, is the means to defend themselves.

Remember that Bosnia had no army when the Serbs attacked.

If the Serbs had faced a credible opponent earlier, it is reasonable to assume that they would have stopped fighting long ago and thousands of victims would have been spared.

By keeping the arms embargo in place we can be certain of one thing—that the well-armed aggressors, who have already killed over 200,000, and caused 2 million more refugees, will claim more victims—who continue to be denied a fighting chance to defend themselves and their country—the dignity to stand up and fight for your own land.

Some will say it will take a long time if you did lift the embargo for them to be able to use these weapons. Again that is nonsense. People know, historically, when you are fighting for your country and you have that will and you are up against it you do not have any trouble learning how to use a howitzer or a tank or anything else. You learn quick because you have to and that is the reality, historically, when that has happened.

And then the argument is there will be an effort to retake parts of Bosnia. Wait a minute. Wait a minute. Bosnia has never accepted this so-called Vance-Owen or whatever you want to call it plan that has been on the table. And the United States, though we have pressured them to do it, wisely says no, we will not accept it either if you will not.

So, sure it would cause negotiations and maybe more bloodshed. But the bloodshed would be in defense of one's country instead of the slaughter today that is going on in that country due to Serbian aggression.

I hope, truly, the majority leader's effort can bring about a vote here that will ultimately commit the administration to unilateral lifting of the embargo in the event the United Nations does not vote to do so. I can accept some time to see that occur, as difficult as that is for me, because it is not an unreasonable way to go. But I cannot in conscience not vote for a lifting of the arms embargo. If that is the only alternative I have tomorrow, I will have to do so and I truly hope enough people here will have the courage to do what is right, not what is negotiable, not what is maybe termed appealing because it buys time, not because the President's prestige is on the line. His prestige is not on the line. He has done the best he can. It is an intolerable situation. Everybody knows President Clinton is opposed to this genocide. He has spoken out time and time again about it so he does not have to apologize. Nobody has to apologize for this President.

The Vice President, when he was in this body less than 2 years ago, was one of the most outspoken in favor of efforts of lifting the embargo, imposing

sanctions, and using air strikes. This administration has a clear position.

So I, in ending, say the time has come to put the principle first here and not the politics, not the international concerns, but the lives of innocent people.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS OF SENATOR HARLAN MATHEWS

Mr. MITCHELL. Mr. President, earlier today our colleague Senator MATHEWS delivered a salute to State administrators of vocational rehabilitation.

I commend our colleague for this fine speech and I ask unanimous consent that the text of the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SALUTE TO STATE ADMINISTRATORS OF VOCATIONAL REHABILITATION

(By Senator Harlan Mathews)

Ladies and gentlemen, welcome back to Washington and Capitol Hill. I am delighted to be with you again. As you can imagine, many people visit Washington seeking support for their programs. Sometimes I get into trouble because I question what those people and their programs really achieve. I certainly have no such questions for you.

What an incredible record you have:

You are a $3 billion service delivery program that returns about $10 on every $1 invested;

You assist a million of our society's citizens with disabilities every year, and every year you situate a quarter of a million of those Americans in meaningful and productive jobs; and

Within 4 years, the reduction in public assistance payments for people who've received your services offsets the amount it took to rehabilitate them. That's a human investment program in every sense.

But what's most impressive to me is that public service is not just your job but a life commitment. Some of you draw your commitment from difficulties you face in your own lives. Others draw your commitment from the hardships of friends and family. But for each of you, whatever your reason, helping people with a disability to hold competitive employment is a genuine purpose in your lives. I know a bit about that purpose, because I share my life with someone who has it.

My thoughts for you today come more from my 43 years in Tennessee State government than from my 1½ years in the Senate. I think that's appropriate, because V–R has enjoyed great respect with governors and state legislators. What's more, my experience as Commissioner of Finance and Administration and as State Treasurer taught me which programs worked and why. I know that for a government-assisted program to work, it has to concentrate its efforts where they're productive.

Today there's a great deal of effort underway to make government more effective, and I can't help remarking on how much those efforts could learn from studying the Vocational Rehabilitation Program.

You all know of Vice President Gore's initiative to reinvent government and make it more effective and responsive. The V–R effort is the finest example I know of a government-assisted program that is precisely that—effective and responsive.

President Clinton's administration is committed to equal opportunity and economic access for all Americans. In many ways, Vocational Rehabilitation is the ultimate example of a public effort bringing equal opportunity.

Congress is about to undertake serious and substantial steps toward reforming welfare. The goal will be to lift people off the public roles and place them onto private sector payrolls. Vocational Rehabilitation has been doing exactly that for three-quarters of a century.

Vocational Rehabilitation Program is a sterling example of what government is trying to accomplish and of what it's possible to accomplish when you do things right.

A worthy cause that's responsibly administered and shows tangible results will deserve and find nearly universal support. Vocational Rehabilitation certainly has—through thick times and thin, one Congress after another, one economic cycle after another. Your results are the reason why.

V–R has become one of the oldest programs on the public books and has remained intact these past 73 years because it generates independence, has been accountable, and doesn't take forever to produce results. It provides a leg up, not a hand out.

There's no question that the American public is growing more and more insistent that public-supported programs are run effectively and justify the money that's spent on them. When it comes to public service programs like V–R in particular, they want to know that resources and attention are centering upon the people who are supposed to be served. So it's especially important that you remove the barriers impeding quick, cost-effective, appropriate services to all citizens.

I remember an incident when I was Commissioner of Finance in Tennessee. A surgeon had performed an elaborate and costly procedure on a V–R client, and he could not be paid. The doctor called my office because we were responsible for issuing checks. My staff looked into it, and told me the problem was that the counselor had not moved the client to a Status 16. I wondered then and I wonder now whether the process was being served or whether people were being served. That kind of situation is what I mean by removing barriers and focusing on people not processes. We waste too much time and money at the federal level because of a bureaucratic preoccupation with process, and I don't want it to happen with you.

If I were to counsel you on one thing it would be this: don't stray from the path that's made you successful. Vocational Rehab was founded with its emphasis squarely on vocational, and that's the emphasis you have to keep.

Some people in your profession and outside it have forgotten that. They want to indulge disability. They want to sustain dependency rather than foster independence. They want your program to be about everything but employment. And they believe that administering a huge process with an infinity of services its own end.

I honestly believe that the V–R Program will cease to be recognized as a leader in the disability arena the day that you drop the emphasis on employment outcome. State legislatures across the nation will start to regard V–R as a welfare program, not as a highly successful manpower program. So will the Congress. That change in perception would be detrimental to your future and to the people you serve.

You must continue to be and continue to remain known as the employment program for people with disabilities. I don't see any benefit in permitting V–R to become anything else. Hold yourselves to the same outcome-based goal that you stress for those you serve. And that goal is to run an accountable, effective manpower program that generates economic independence in a time-limited framework.

All of you here have a tremendous task ahead of you if V–R is to survive as we know it today. But I know you're up to the job. I want all of you and your staffs to know that a great number of us in Congress admire your dedication and commitment to a job that's sometimes very difficult—the kind of commitment and dedication that Joe Owens and Jack Duncan have shown. They are two strong advocates for you and for people with disabilities. I salute them and all of you for the good work you've done. I wish you every success in the years ahead.

MEASURE READ FOR THE FIRST TIME—H. R. 4296

Mr. FORD. Mr. President, I understand the Senate has received from the House H.R. 4296, a bill relating to the transfer or possession of assault weapons. On behalf of Senator BIDEN, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 4296) to make unlawful the transfer or possession of assault weapons.

Mr. FORD. Mr. President, I now ask for a second reading, and, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is noted.

The bill will be over under rule XIV.

MEASURE READ FOR THE FIRST TIME—S. 2096

Mr. FORD. Mr. President, I understand that S. 2096, the Health Care Reform Act of 1994, introduced earlier today by Senator DOMENICI, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2096) to improve private health insurance, to provide equitable tax treatment for health insurance, to reform Federal health-care programs, to provide health care cost reduction measures, and for other purposes.

Mr. FORD. Mr. President, I now ask for its second reading, and, on behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is noted. The bill will lay over until the following day.

CONTINUATION OF STEWARDSHIP CONTRACT PROGRAM

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2100, relating to the continued authorization for the stewardship end result contract program, introduced earlier today by Senators DECONCINI and CRAIG, that the bill be read a third time, passed; that the motion to reconsider be laid upon the table, and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION OF STEWARDSHIP CONTRACT PROGRAM

Mr. DECONCINI. Mr. President, I am introducing a bill today, along with my colleague from Idaho, Senator CRAIG, which would simply continue authorization for Stewardship End Result Contract Program for the U.S. Forest Service for an additional year. This bill also emphasizes the need to continue with the public involvement process while completing the environmental assessment [EA] and approving the EAs prior to the award of any contract.

Similar language has been included in the Interior appropriations bills for 2 years. Language was also included in the Senate-passed Interior appropriations bill last year to expand the program. However, Mr. President, the House Interior Appropriations Committee conferees, in deference to jurisdictional concerns expressed by the House authorizing committee—Agriculture, did not accept the Senate language containing the expanded program. The conferees did, however, include language in the conference report directing the Forest Service to continue with the program as defined in the fiscal year 1993 appropriations bill (P.L. 101–381, 106 Stat. 1403).

However, it is my understanding that there may be some lingering questions within the U.S. Forest Service and the Department of Agriculture as to whether projects not yet under contract can be continued.

Mr. President, this bill will eliminate all such questions. In addition, it will allow the Agriculture Committee to fully examine this program during the next Congress to consider whether further expansion or other program changes would be beneficial.

I hope the Senate will pass this bill expeditiously, and I thank all my colleagues for their support.

There being no objection, the bill (S. 2100) was considered, ordered to a third reading, was deemed read a third time, and passed, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stewardship End-Result Contracts Demonstration Act".

SEC. 2. PURPOSES.

(a) The purpose of this Act is to:

(1) develop and implement, as national demonstration projects, ecosystem-based, end result-oriented management practices for forestry in general;

(2) authorize the Secretary of Agriculture to demonstrate the feasibility of end-result stewardship contracts for national forests, State forests, and private forests in the United States;

(3) improve the management of and develop economically efficient management tools for ecosystem-based management applicable to all of the forest lands of the United States, both private and public;

(4) provide for rural development, rural jobs, and economic transition opportunities for forest dependent communities affected by changes in timber harvest volumes;

(5) authorize an alternative management technique for pest infested or pest damaged forest lands in general; and

(6) provide additional opportunities to achieve mandates established in:

(A) The Multiple-Use Sustained Yield Act of 1960 (Public Law 86–517);

(B) The Forest and Rangeland Renewable Resources Planning Act of 1974 (Public Law 93–378);

(C) The Clarke-McNary Act of 1924 (Public Law 68–270);

(D) The Deposit of Sale Instruments in Treasury Act of 1940 (Public Law 75–631);

(E) The Soil and Water Resources Conservation Act of 1977 (Public Law 95–192); and

(F) The Twenty-Five Percent Fund Act (35 Stat. 251).

SEC. 3. USE OF TIMBER REVENUES.

(a) AUTHORIZATION.—The Secretary of Agriculture, acting through the officers of the National Forest Service in charge of the forest lands referred to in subsection (b), may apply all or a part of the revenues received for timber removed from such lands under a stewardship end-result contract as an offset against the cost of stewardship services provided, including—

(1) site preparation;

(2) replanting;

(3) silviculture programs;

(4) recreation;

(5) wildlife habitat enhancement;

(6) soil conservation; and

(7) other multiple-use enhancements.

(b) APPLICABILITY.—The authority granted in this act may be applied to the management of—

(1) the Green Mountain National Forest of Vermont;

(2) the White Mountain National Forest of New Hampshire and Maine;

(3) the Talladega, Tuskegee, Conecuh and William B. Bankhead National Forest of Alabama;

(4) acquired and other lands in the Angora Project, Lake Tahoe Basin Management Unit;

(5) the Kendrick Project, Coconino National Forest; and

(6) the Priest Lake Ranger District Project, Idaho Panhandle National Forest.

(c) ENVIRONMENTAL ASSESSMENT.—The National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the projects referred to in subsection (b), prior to the award of any contract.

SEC. 4. DISSEMINATION OF RESEARCH AND DEMONSTRATION RESULTS.

(a) The Secretary of Agriculture is authorized and directed to disseminate the results of the research and demonstration efforts authorized under this Act that are of the benefit to private and public forest owners.

(b) The Secretary may use the authorities granted to him in:

(1) The Forest and Rangeland Renewable Resources Research Act of 1978 (Public Law 95–307);

(2) The McIntyre-Stennis Act of 1962 (76 Stat. 806); and

(3) The Wood Residue Utilization Act of 1980 (Public Law 96–554).

SEC. 5. EXPIRATION

This Act shall be effective during the period beginning on the date of enactment of this Act and ending on December 31, 1994.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1993, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involve 14 contributing departments and agencies of the Federal Government, as this report reflects, and the results of their ongoing research and development affect the Nation as a while in a variety of ways.

Fiscal year 1993 brought numerous important changes and developments in U.S. aeronautics and space efforts. It included 7 Space Shuttle missions, 14 Government launches of Expendable Launch Vehicles (ELVs), and 4 commercial launches from Government facilities. Highlights of the Shuttle missions included the first in a series of flights of the U.S. Microgravity Payload that contained scientific and materials-processing experiments to be carried out in an environment of reduced gravity; the deployment of the Laser Geodynamic Satellite (a joint venture between the United States and Italy); the deployment of a Tracking and Data Relay Satellite; and, the second Atmospheric Laboratory for Applications and Science mission to study the composition of the Earth's atmosphere, ozone layer, and elements thought to be the cause of ozone depletion. The ELV missions carried a variety of payloads ranging from Global Positioning System satellites to those with classified missions.

I also requested that a redesign of the Space Station be undertaken to reduce costs while retaining science-user capability and maintaining the program's international commitments. To this end, the new Space Station is based on a modular concept and will be built in stages. However, the new design draws heavily on the previous Space Station Freedom investment by incorporating most of its hardware and systems. Also, ways are being studied to increase the Russian participation in the Space Station.

The United States and Russia signed a Space Cooperation Agreement that called for a Russian cosmonaut to participate in a U.S. Space Shuttle mission and for the Space Shuttle to make at least one rendezvous with the Mir. On September 2, 1993, Vice President ALBERT GORE, Jr., and Russian Prime Minister Victor Chernomyrdin signed a series of joint statements on cooperation in space, environmental observations/space science, commercial space launches, missile export controls, and aeronautical science.

In aeronautics, efforts included the development of new technologies to improve performance, reduce costs, increase safety, and reduce engine noise. For example, engineers have been working to produce a new generation of environmentally compatible, economic aircraft that will lay the technological foundation for a next generation of aircraft that are superior to the products of other nations. Progress also continued on programs to increase airport capacity while at the same time improving flight safety.

In the Earth sciences, a variety of programs across several agencies sought better understanding of global change and enhancement of the environment. While scientists discovered in late 1992 and early 1993, for instance, that global levels of protective ozone reached the lowest concentrations ever observed, they also could foresee an end to the decline in the ozone layer. Reduced use of ozone-destroying chlorofluorocarbons would allow ozone quantities to increase again about the year 2000 and gradually return to "normal."

Thus, fiscal year 1993 was a successful one for the U.S. aeronautics and space programs. Efforts in both areas have contributed to advancing the Nation's scientific and technical knowledge and furthering an improved quality of life on Earth through greater knowledge, a more competitive economy, and a healthier environment.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1994.*

ANNUAL REPORT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the requirements of 42 U.S.C. 3536, I transmit herewith the 28th Annual Report of the Department of Housing and Urban Development, which covers calendar year 1992.

WILLIAM CLINTON.

THE WHITE HOUSE, *May 10, 1994.*

MESSAGES FROM THE HOUSE

At 11:02 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4296. An act to make unlawful the transfer or possession of assault weapons.

ENROLLED BILL SIGNED

At 4:18 p.m., a message from the House of Representatives, delivered by Mr. Anderson, one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1727. An act to establish a program of grants to States for arson research, prevention, and control, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 6:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 341. An act to provide for a lands exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1134) to provide for the transfer of certain public lands located in Clear Creek County, CO, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 2868) to designate the Federal building located at 600 Camp Street in New Orleans, LA, as the John Minor Wisdom U.S. Courthouse.

MEASURES READ THE FIRST TIME

The following measure was read the first time:

H.R. 4296. An act to make unlawful the transfer or possession of assault weapons.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-451. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to mass transportation; to the Committee on Appropriations.

POM-452. A resolution adopted by the Ramah Navajo Chapter, Ramah, New Mexico relative to the Ramah Navajo Reservation; to the Committee on Armed Services.

POM-453. A resolution adopted by the Council of the Borough of North Belle Vernon, Westmoreland County, Pennsylvania relative to mass transportation; to the Committee on Banking, Housing, and Urban Affairs.

POM-454. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

"LEGISLATIVE RESOLVE No. 24

"Whereas 50 U.S.C.S. Appx. 2406(d) (sec. 7(d), Export Administration Act of 1979) prohibits, with tightly restrictive exceptions, the export of domestically produced crude oil transported by pipeline over the right-of-way granted by 43 U.S.C. 1652 (sec. 203 of the Trans-Alaska Pipeline Authorization Act); and

"Whereas the limitation on export of Alaska North Slope crude oil effectively limits its sale to the domestic American market; and

"Whereas the higher transportation cost associated with shipping Alaska North Slope crude oil through the Panama Canal to the Gulf Coast states reduces the wellhead price of the oil; and

"Whereas lower wellhead prices raise the economic threshold for exploring for and producing all North Slope oil and, as a result, production from certain existing and newly discovered oil fields is currently uneconomic; and

"Whereas the export ban singles out Alaska to pay its costs, penalizing the state and the North Slope producers, which pay 85 percent of the taxes collected by the state; and

"Whereas the current export ban reduces the value of crude oil production in the state by an estimated $1,000,000,000 per year, or about $1.10 per barrel; and

"Whereas Alaska North Slope crude oil required to be transported and delivered for

sale in the domestic market incurs approximately $2.70 per barrel in higher transportation charges than if the oil could be exported in international tankers to Pacific Rim countries; and

"Whereas domestic exploration and development of newly discovered oil reserves will enhance the nation's energy and economic security; and

"Whereas the foreign export of Alaska North Slope crude oil will provide an incentive for further domestic oil exploration and development; and

"Whereas new discoveries and production resulting from increased domestic exploration will facilitate the development of infrastructure and production facilities needed to produce currently uneconomic Alaska North Slope reserves and, thus, lower the average development costs of all Alaska North Slope production; and

"Whereas exporting oil to Pacific Rim, nations will decrease the substantial trade deficit with nations that have expressed a strong interest in purchasing Alaska produced oil, as evidenced by the sale under a United States Department of Commerce export license of Alaska Cook Inlet oil to a Taiwanese company; and

"Whereas Canada, Mexico, and Venezuela, among other neighboring countries in this hemisphere, may provide stable, secure exports of crude oil to the United States at more competitive prices than Alaska North Slope crude oil because of the transportation savings; and

"Whereas the additional cost of shipping Alaska North Slope crude oil to the Gulf Coast and eastern states imposes an unnecessary burden on those states, reduces federal and state tax revenue, reduces state royalties, and discourages exploration and development of North Slope reserves; and

"Whereas U.S. Secretary of Energy Hazel O'Leary is reviewing the pros and cons of lifting the ban on the export of Alaska North Slope oil as part of her Domestic Energy Initiative; and

"Whereas during his term as president, President George Bush had lifted the ban on the export of oil produced in the State of California; and

"Whereas the amended Export Administration Act authorizes the President of the United States to recommend, and the Congress to approve by adoption of a joint resolution, export of Alaska North Slope crude oil; now therefore be it

"*Resolved* That the Alaska State Legislature opposes the continuing ban on export of Alaska North Slope crude oil because the ban results in inefficiencies and economic waste and because it reduces the overall level of national economic activity; and be it further

"*Resolved* That the Alaska State Legislature endorses HR 543, legislation removing the restraints on the export of Alaska North Slope crude oil; and be it further

"*Resolved* That the Alaska State Congressional delegation and the Governor are urged to continue using their best efforts to obtain passage of HR 543 or comparable legislation permitting the export of Alaska North Slope crude oil, regardless of the oil's point of production within the state; and be it further

"*Resolved* That the Alaska State Legislature respectfully requests the President of the United States to exercise power given him under the amended Export Administration Act to recommend approval of the export of that oil.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable George Mitchell, Majority Leader of the U.S. Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Dan Young, U.S. Representative, members of the Alaska delegation in Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 2093. An original bill to amend and reauthorize the Federal Water Pollution Control Act, and for other purposes (Rept. No. 103–257).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for Mr. WOFFORD):

S. 2090. A bill to provide negotiating authority for a trade agreement with Chile, but to apply fast track procedures only to such an agreement that contains certain provisions relating to worker rights and the government; to the Committee on Finance.

By Mr. SARBANES:

S. 2091. A bill to amend certain provisions of title 5, United States Code, in order to ensure quality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HEFLIN:

S. 2092. A bill to reform the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 2093. An original bill to amend and reauthorize the Federal Water Pollution Control Act, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. DASCHLE (for himself, Mr. FORD, and Mr. SIMON):

S. 2094. A bill to make permanent the authority of the Secretary of Veterans Affairs to approve basic educational assistance for flight training; to the Committee on Veterans Affairs.

By Mr. LEAHY (for himself, Mr. KERREY, Mr. DURENBERGER, and Mr. DASCHLE):

S. 2095. A bill to reform the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 2096. A bill to improve private health insurance, to provide equitable tax treatment of health insurance, to reform Federal health care programs, to provide health care cost reduction measures, and for other purposes; read the first time.

By Mrs. BOXER:

S. 2097. A bill to amend the Export Enhancement Act of 1988 to promote further United States exports of environmental technologies, goods, and services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAMM (for himself, Mr. MCCAIN, Mr. LOTT, Mr. SHELBY, and Mrs. HUTCHISON):

S. 2098. A bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursement; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. DURENBERGER, Mr. EXON, Mr. GRASSLEY, Mr. HARKIN, Mr. KERREY, Mr. PRESSLER, and Mr. WELLSTONE):

S. 2099. A bill to establish the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI (for himself and Mr. CRAIG):

S. 2100. A bill to provide for rural development, multiple-use management, expenditures under the Knutson-Vandenburg Act of 1930, and ecosystem-based management of certain forest lands, and for other purposes; considered and passed.

By Mr. BRADLEY:

S. 2101. A bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN (for himself, Mr. SHELBY, Mr. BUMPERS, Mr. GRAMM, Mr. PRYOR, and Mr. STEVENS):

S. Res. 212. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor coach Paul "Bear" Bryant; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for Mr. WOFFORD):

S. 2090. A bill to provide negotiating authority for a trade agreement with Chile, but to apply fast track procedures only to such an agreement that contains certain provisions relating to worker rights and the government; to the Committee on Finance.

CHILE FREE TRADE AGREEMENT NEGOTIATING ACT OF 1994

• Mr. WOFFORD. Mr. President, today I am joining House Majority Leader RICHARD GEPHARDT in introducing legislation authorizing the President to negotiate a free trade agreement with Chile, a democratic South American country quickly emerging as an international growth economy.

I have long believed that mutual reductions in barriers to international trade are essential to our long-term economic growth and American creating jobs. A good trade agreement is one

that ensures that the benefits of free trade go to raising living standards in both countries and that the environment is not damaged by the increased economic activity. I believe we have an opportunity to reach such an agreement with Chile.

At the same time, I do not believe that Congress should give a blank check to the President to enter into international trade agreements. Too much is at stake. The legislation being introduced today would make sure that before Congress gives up its prerogatives to amend a trade agreement with Chile that the agreement would contain adequate provisions with respect to workers rights and the environment.

My hope is that this legislation will bridge the divide in our Nation over international trade reflected by the NAFTA debate. It should serve as a framework that will allow us to move forward aggressively to seek improved trading relationships with other nations as well.

We have to engage the world on fair and mutually beneficial terms. The question now is how we choose to move forward and meet the economic competition. Far from weakening the President's hand, our action today should strengthen his case for an agreement that is fair to American workers and American communities.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chile Free Trade Agreement Negotiating Act of 1994".

SEC. 2. EXTENSION OF NEGOTIATING AUTHORITY FOR TRADE AGREEMENT WITH CHILE AND OF "FAST TRACK" PROCEDURES TO IMPLEMENTING LEGISLATION.

Section 1102 of the Omnibus Trade and Competitiveness Act of 1988 (19 u.S.C. 2902) is amended by adding at the end the following new subsection:

"(f) SPECIAL PROVISIONS REGARDING TRADE NEGOTIATIONS WITH CHILE.—

"(1) IN GENERAL.—Notwithstanding the time limitation in subsection (c)(1), the President may, before January 1, 1997, enter into a trade agreement with Chile under subsection (c).

"(2) APPLICATION OF FAST TRACK PROCEDURES.—

"(A) Subject to subparagraphs (B) and (C), section 1103 applies to any trade agreement negotiated under subsection (c) pursuant to paragraph (1), but only if the President certifies to the Congress, at the time the implementing bill is submitted with respect to the trade agreement, that the trade agreement—

"(i) contains provisions requiring the parties to adhere to internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974);

"(ii) requires the parties to enforce their environmental laws and to take steps to adopt appropriate higher environmental standards; and

"(iii) includes dispute resolution mechanisms to enforce effectively the requirements contained in clauses (i) and (ii).

"(B) No provision of subsection (b) of section 1103 other than paragraph (1)(A) applies to any trade agreement described in subparagraph (A). In applying such paragraph, 'January 1, 1997,' shall be substituted for 'June 1, 1991.'

"(C) The fast track procedures (as used in section 1103) shall not apply to an implementing bill submitted with respect to a trade agreement described in subparagraph (A) if the Committee on Rules of the House of Representatives or the Committee on Rules and Administration of the Senate, within 15 days after the implementing bill is submitted to the Congress, disapproves the President's certification under subparagraph (A) that is included with the implementing bill. Such 15-day period shall be computed in the manner prescribed in section 1103(e).

"(3) ADVISORY COMMITTEE REPORTS.—The report required under section 135(e)(1) of the Trade Act of 1974 regarding any trade agreement provided for under paragraph (1), shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 1103(a)(1)(A) of his intention to enter into the agreement (but before September 1, 1996).

"(4) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by the Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

"(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.".●

By Mr. SARBANES:

S. 2091. A bill to amend certain provisions of title 5, United States Code, in order to ensure quality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes; to the Committee on Governmental Affairs.

THE FIREFIGHTERS PAY FAIRNESS ACT

● Mr. SARBANES. Mr. President, today I am introducing legislation to improve the pay system used for Federal firefighters, an issue in which I have a longstanding interest and involvement.

The legislation has three broad purposes: First, to improve pay equality with municipal and other public sector firefighters; second, to enhance recruitment and retention of firefighters in order to maintain the highest quality Federal fire service; and third, to encourage Federal firefighters to pursue career advancement and training opportunities.

Fire protection is clearly a major concern at Federal facilities and on Federal lands throughout the Nation. From fighting extended wildland fires in our national parks and forests to protecting military families from fires in their base housing, Federal firefighters play a vital role in preserving life and property.

The Department of Agriculture, the Coast Guard, the Department of Commerce, the Department of Defense, the General Services Administration, the Department of the Interior, and the Department of Veterans Affairs are among the Federal agencies that rely on Federal employees to protect their vast holdings of land and structures. Just like their municipal counterparts, these Federal firefighters are the first line of defense against threats to life and property.

As I travel throughout my own State of Maryland, I always make an effort to stop by the various Federal firehalls. I must say, Mr. President, that I have been consistently impressed with the dedication and obvious commitment of the Federal firefighters I have met at Maryland installations.

Regretfully, Mr. President, the current system used to pay our Federal firefighters is at best confusing and at worse unfair. These men and women work longer hours than other public sector firefighters yet are paid substantially less. The current pay system, which consists of three tiers, is overly complex and, more importantly, is hurting Federal efforts to attract and retain top-quality employees.

Currently, most Federal firefighters work an average 72-hour week under exceptionally demanding conditions. The typical workweek consists of a one-day-on/one-day-off schedule which results in three 24-hour shifts per 72-hour week. Despite this unusual schedule, firefighters are paid under a modified version of the same General Schedule pay system used for full-time, 40-hour-per-week Federal workers.

The result of the pay modification is that Federal firefighters make less per hour than any other Federal employees at the same grade level. While some have tried to justify this by noting that part of a firefighter's day is downtime, I must note that all firefighters have substantial duties beyond those at the site of a fire.

Mr. President, the International Association of Fire Fighters has estimated that municipal firefighters work about 50 hours per week at a rate of pay that is 30 to 40 percent above their Federal counterparts. The obvious result is that Federal service is often a training ground for young men and women who then leave for higher pay elsewhere in the public sector. Continually training new employees is, as my colleagues know, very expensive for any employer.

The Office of Personnel Management is well aware of these problems. In fact, section 102 of the Federal Employees

Pay Comparability Act of 1990 [FEPCA], title V of Public Law 101–509, authorizes the establishment of special pay systems for certain Federal occupations. The origin of this provision was a recognition that the current pay classification system did not account for the unique and distinctive employment conditions of Federal protective occupations including the Federal fire service.

In May of 1991 I wrote to OPM urging the establishment of a separate pay scale for firefighters under the authority provided for in FEPCA. Subsequently, OPM established an Advisory Committee on Law Enforcement and Protective Occupations consisting of agency personnel and representatives from Federal fire and law enforcement organizations. Beginning in August of 1991, representatives from the Federal fire community began working with OPM and other administration officials to identify and address the problems of paying Federal firefighters under the General Schedule. The committee completed its work in June of 1992 and in December of that year issued a staff report setting forth recommendations to correct the most serious problems with the current pay system.

Mr. President, I regret that since the release of the OPM recommendations, there has been no effort to implement any of the proposals of the advisory task force. In fact, OPM has communicated quite clearly that at this time it has no plans to pursue any solution to the serious pay deficiencies that have been so widely identified and acknowledged.

It would not be necessary to introduce this legislation today had OPM taken the corrective action that, in my view, is so clearly warranted. However, I have determined that legislation appears to be the only vehicle to achieve the necessary changes in the pay system for Federal firefighters.

Mr. President, the Firefighter Pay Fairness Act would improve Federal firefighter pay in several important and straightforward ways. Perhaps most importantly, the bill draws from existing provisions in title V to calculate a true hourly rate for firefighters. This would alleviate the current problem of firefighters being paid considerably less than other General Schedule employees at the same GS level. It would also account for the varying length in the tour of duty for Federal firefighters stationed at different locations.

In addition, the bill would use this hourly rate to ensure that firefighters receive true time and one-half overtime for hours worked over 106 in a biweekly pay period. This is designed to correct the problem, under the current system, where the overtime rate is calculated based on an hourly rate considerably less than base pay.

The Pay Fairness Act would also extend these pay provisions to so-called wildland firefighters when they are engaged in firefighting duties. Currently, wildland firefighters are often not compensated for all the time spent responding to a fire event. Our bill would ensure that these protectors of our parks and forests would be paid fairly for ensuring the safety of these invaluable national resources.

The bill also ensures that firefighters promoted to supervisory positions would be paid at a rate of pay at least equal to what they received before the promotion. This would address the situation, under the current pay system, which discourages employees from accepting promotions because of the significant loss of pay which often accompanies a move to a supervisory position.

Similarly, the bill would encourage employees to get the necessary training in hazardous materials, emergency medicine, and other critical areas by ensuring they do not receive a pay cut while engaged in these training activities.

Mr. President, I have consulted many of the affected groups in developing my legislation. I am very pleased that this bill has been endorsed by the American Federation of Government Employees, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Association of Government Employees, and the National Federation of Federal Employees.

Fairness is the key word, Mr. President. There is no reason why Federal firefighters should be paid dramatically less than their municipal counterparts. As a cochairman of the Congressional Fire Services Caucus, I want to urge all members of the caucus and, indeed, all Members of the Senate to join in cosponsoring this important piece of legislation.•

By Mr. HEFLIN:

S. 2092. A bill to reform the Federal Crop Insurance Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FARMERS' RISK MANAGEMENT ACT OF 1994

Mr. HEFLIN. Mr. President, I rise today to introduce the Farmers' Risk Management Act of 1994. This legislation, which will reform the current Crop Insurance Program, is designed to serve two purposes: First, it will give America's farmers a risk management tool that works, and second, it will rein in the cost associated with ad hoc disaster programs and a crop insurance program which is underfunded and underutilized.

Mr. President, over the last 6 years, we have spent an average of $1.575 billion per year on disaster relief programs for farmers. By using a portion of this money, we can develop a viable crop insurance program for farmers and still save the American taxpayer $750 million over the next 5 years. Under the present system of funding, a crop insurance program and an ad hoc disaster program, the Office of Management and Budget estimates that over the next 5 years, we will spend $8.9 billion. Under this new proposal, the cost over the next 5 years will be $8.1 billion, a savings of $750 million.

Also, an additional savings should be realized by the reduction of fraud associated with the current disaster programs. Under the present disaster program, farmers who farm nonprogram crops are not required to show production records. Under this proposal, a farmer will be required to show his recent production history, thereby decreasing the likelihood for fraud. While the savings achieved from this new proposal is critical, more importantly, this bill develops a risk management tool which actually works for farmers. With farm programs taking increasingly larger cuts, it has never been more important for those of us from agricultural States to develop a viable risk management tool for our Nation's farmers.

To average farmers in the South who currently do not take crop insurance, this bill will provide them with an affordable risk management tool. For example, the average cotton farmer in Alabama who subscribes at the catastrophic rate will save an average of $9.50 an acre. To the farmer who currently buys crop insurance, this legislation will lower premiums from 8 to 17 percent, depending upon which level of coverage is bought.

For those of you from farm States who carefully follow various crop insurance proposals, you will notice that my proposal closely tracks the administration's proposal. However, my proposal differs from the administration's bill in three important areas. First, my bill calls on the Federal Crop Insurance Corp. to offer producers the option of cost-of-production which would be based upon each individual producer's actual cost of production. In fact, let me point out that the present crop insurance manager, Mr. Ken Ackerman, has gone out of his way to work with farmers from the Southeast, and especially Alabama, in an effort to develop some type of reasonably priced cost-of-production crop insurance proposal.

The second major change would allow a producer to choose between using his actual yields and his farm program yields in determining his crop insurance yields. In fact, many farmers in Alabama would have weathered last year's agricultural disaster much better had they been able to use their actual yields in determining their disaster payments. And last, if a producer has at least 4 years of production history, my bill allows him to drop 1 high year and 1 low year and use the mean of those remaining years to determine his crop insurance yield. This way, a disaster year won't completely ruin a farmer's crop insurance history.

The following is a summary of the Farmers' Risk Management Act of 1994.

Cost-of-production crop insurance.—The Federal Crop Insurance Corp. will be required to offer farmers a crop insurance plan based on a farmer's actual cost of production.

Farmer's choice.—A farmer will be able to chose between using his program yields and his actual production yields in determining his crop insurance yield.

Cost.—The new program will cost about $8.1 billion for fiscal years 1995 through 1999. This represents a 5-year savings of some $750 million compared to the projected cost of the current Federal Crop Insurance Program plus the average annual cost for ad hoc crop loss disaster programs over the past decade.

Repeal of ad hoc disaster authority.—Current legal authorities for ad hoc crop loss disaster relief are repealed. In the future, the program outlined below will replace these disaster bills as the Federal response to emergencies involving widespread crop loss.

Using the mean to determine crop history.—If a farmer has at least 4 years of production history, he will be allowed to drop 1 high year and 1 low year and use the mean of the remaining years to determine his crop insurance yield.

Catastrophic crop insurance coverage.—The Federal Crop Insurance Program is supplemented with a new catastrophic coverage level available to farmers for a nominal processing fee of $50 per crop per county, up to $100 per farmer per county. This catastrophic plan will protect against yield losses greater than 50 percent at a payment rate of 60 percent of the expected market price—a level comparable to disaster relief programs in recent years. The processing fee may be waived for limited-resource farmers.

Farmers may purchase additional insurance coverage providing higher yield for price protection levels for additional cost. Targeted subsidies are provided to encourage farmers to pursue these higher coverage levels.

Uninsurable crops.—A standing disaster program would exist for crops not covered by crop insurance, with payments triggered by areawide loss levels and protection levels similar to those under the catastrophic insurance plan.

Linkage to farm programs.—To ensure wide participation, crop insurance coverage at the catastrophic level or above is linked to participation in Federal commodity support programs or Farmers Home Administration loans. This step should result in crop insurance participation rising from 33 percent to about 80 percent of insurable acres.

Delivery.—Farmers may choose to obtain the catastrophic coverage either through a private reinsured company or through a USDA county office. Higher insurance coverages remain available only through private insurers.

Industry competition.—Premium rates are restructured to reflect both direct premium subsidies and the expense reimbursement allowance, a more realistic calculation. More efficient companies will be allowed to pass along lowered overhead costs in reduced rates charged to farmers, creating a more competitive market environment.

By Mr. DASCHLE (for himself, Mr. FORD, and Mr. SIMON):

S. 2094. A bill to make permanent the authority of the Secretary of Veterans Affairs to approve basic educational assistance for flight training; to the Committee on Veterans' Affairs.

VETERANS' FLIGHT TRAINING PROGRAM

• Mr. DASCHLE. Mr. President, I am pleased to introduce legislation, on behalf of myself and my good friends, Senator FORD and Senator SIMON, that will give the Secretary of Veterans Affairs permanent authority to approve basic educational assistance for flight training progams. This legislation will allow veterans to prepare for careers in the air transportation industry as well as help to ensure that our Nation has an adequate supply of well-trained pilots to meet future industry demand.

Public Law 101-237 established a 4-year flight training assistance program for veterans, which commenced on October 1, 1990. As of last December, this program has helped more than 2,500 veterans pursue commercial pilot licenses and various instrument ratings at an average cost of $3,200 per individual. A majority of the program's participants have already secured employment in the aviation industry. Without timely congressional action, however, this successful program will expire on September 30.

Considerable attention has been given to ensuring that those who receive benefits under the flight training program are serious about a career in aviation. To participate in the program, a veteran must possess a valid private pilot's license—at a cost of approximately $3,000—and must satisfy the medical requirements to obtain a commercial license. Further, the veteran must attend a flight school which has been approved by the Federal Aviation Administration [FAA] and the State agency which certifies all veterans' educational programs. Finally, the training must be generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation.

There are also two significant cost-control features to the flight training program. First, each veteran must pay at least 40 percent of the cost associated with their training. This is a hefty share, given the cost of flight training programs and the investment that veteran has already made to get a private pilot's license. In addition, the program caps the reimbursement for solo flying hours at the minimum number of hours required by the FAA for any given rating level.

Veterans have earned their educational benefits through service to our Nation, and they have even made monetary contributions toward those benefits. It only seems right that these men and women are given a broad array of choices as to how these benefits can be used. Moreover, flight instruction is very costly, and many veterans will be unable to pursue careers in aviation unless their educational benefits can be used for this purpose.

Now more than ever, veterans need expanded job training opportunities. In a recent report, the General Accounting Office estimated that on any given night, 150,000 to 250,000 veterans are on the streets or in shelters. That veterans, who served this country so selflessly, now make up one-third of the homeless population is a tragedy which must be addressed. I recognize that the problems of homeless veterans are complex and will not be easily solved. However, because one of the primary contributors to homelessness is the lack of adequate job training, programs such as flight training have a role to play in preventing homelessness among our Nation's veterans.

The need for greater employment opportunities for veterans is compounded by the military's downsizing efforts. According to the Defense Department's Bottom-Up review, the Armed Forces will have to reduce their numbers by an additional 400,000 by fiscal year 1999. Many veterans are now experiencing difficulty in finding employment outside the military, and the exodus of more servicepersons from all branches of the Armed Forces will only exacerbate this problem. Clearly, then, there is a great need for education and training, such as flight instruction, that is compatible with veterans' skills and interests.

Allowing veterans to use their educational benefits to obtain flight instruction is also good for the future of the air transportation industry. Although military downsizing is now creating a temporary pilot surplus, it will ultimately result in a smaller pool of military-trained candidates for employment in commercial aviation. This is because the current surplus will taper off and, more importantly, the military is now training fewer pilots. Thus, in the future, the air transportation industry increasingly will have to turn to pilots trained in the civilian sector to meet its needs.

In August 1993, a Blue Ribbon Panel commissioned by the FAA released a report entitled "Pilots and Aviation Maintenance Technicians for the Twenty-First Century: An Assessment of Availability and Quality." The re-

port concluded that the labor needs of the air transportation industry would rise by 18.5 percent during the next decade. Further, it found that while there is no current pilot shortage, there is an impending shortage of pilots qualified to meet future industry needs.

The panel also noted that many flight training schools are currently operating at less than full capacity and that some run the risk of closure due to insufficient enrollment. Because this situation could adversely affect the aviation industry's ability to expand the pilot supply when the demand dictates, one of the panel's recommendations for improving the availability and quality of pilots is to provide adequate financial assistance to professional pilot candidates. My legislation will help to accomplish that goal.

Mr. President, I would like to thank the Airline Owners and Pilots Association [AOPA] and the National Air Transportation Association [NATA] for their help in preparing this legislation. These groups know that the health of our Nation's aviation industry is dependent upon a sufficient supply of well-trained pilots and that the veterans flight training program has been successful in helping private pilots to pursue careers in aviation.

Our Nation owes a great debt to all veterans, and one of the ways that we can repay this debt is by helping to ease the transition from military to civilian employment. For those veterans interested in careers as professional pilots, this flight training program will allow them to develop the skills they need to find meaningful employment in the civilian sector. I hope that my colleagues will support the continuation of this successful program.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORITY TO APPROVE BASIC EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) ALL-VOLUNTEER FORCE ASSISTANCE.—Section 3034(d) of title 38, United States Code, is amended—

(1) by striking out paragraph (2); and

(1) in paragraph (1)—

(A) by striking out "(1)"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(b) POST-VIETNAM ERA ASSISTANCE.—Section 3241(b) of such title is amended—

(1) by striking out paragraph (2); and

(1) in paragraph (1)—

(A) by striking out "(1)"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(c) ASSISTANCE FOR SELECTED RESERVE.—Section 2136(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2); and

(1) in paragraph (1)—

(A) by striking out "(1)"; and

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

AIRCRAFT OWNERS AND PILOTS ASSOCIATION,
April 29, 1994.

Hon. THOMAS A. DASCHLE,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR DASCHLE: As you know, the Aircraft Owners and Pilots Association is a not-for-profit membership association with 325,000 members nationwide. Our members take advantage of general aviation aircraft to fulfill their personal and business transportation needs.

This is to express our formal support of your bill to permanently extend Veteran's Vocational Flight Training Benefits. This important veterans benefit program is essential to help ensure an adequate supply of qualified commercial pilots for the future of our national air transportation system.

As you know, the cost of flight training is substantial. Thanks to your previous efforts, qualified veterans are currently eligible under a trial program to receive vocational flight training benefits for both dual and solo flight training. With this trial program set to expire on August 31, 1994, your bill would provide a permanent avenue for veterans to pursue a career in aviation.

The veterans flight training program has important national implications, as well. Statistics compiled by the Office of Technology Assessment and the Future Aviation Professionals of America show that our country is on the brink of a critical pilot shortage—not just in the airlines, but also in other important areas of aviation, such as air ambulance, crop dusting, and corporate pilots. Veterans deserve a chance at these jobs, and your bill would help make that possible.

The Daschle bill is a good and necessary step towards meeting the future pilot shortage, and we support it wholeheartedly.

Thank you for your efforts.

Sincerely,

PHIL BOYER,
President.

NATIONAL AIR TRANSPORTATION ASSOCIATION,
Alexandria, VA, April 28, 1994.

Hon. THOMAS A. DASCHLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE. The National Air Transportation Association (NATA) represents the business interests of close to 2,000 companies providing aviation services (fixed base operators or FBOs). Many NATA member companies operate flight schools providing instruction from primary to the most sophisticated jet aircraft pilot training. These businesses have a long history of providing flight training for veterans and strongly support the permanent extension of the flight training assistance program.

During the last four years, flight training assistance for veterans has certainly proven its worth. Many of the participants have gone on to careers as flight instructors and pilots for our member companies and others in the aviation industry. In fact, this was documented in a study for the Department of Veterans Affairs. The results of the study showed that over 2,500 veterans have participated in the program since 1990, with a majority of these participants having obtained aviation employment.

The need to encourage a strong flow of qualified pilots will only increase in the future. The Future Aviation Professionals of America (FAPA) estimates the major and regional airlines will need more than 50,000 new pilots over the next decade. The mandatory retirement of an extremely large number of pilots, combined with expansion of the aviation industry, will enable veterans receiving flight training to pursue a career in a high-demand profession.

The Association wholeheartedly endorses your efforts to extend this valuable program. Flight schools across the country have benefited, and even more importantly, this flight training assistance provides our nation's veterans an opportunity for an aviation career they might not otherwise receive. Please count on NATA's support as you pursue passage of this important legislation.

Sincerely,

JAMES K. COYNE,
President.●

By Mr. LEAHY (for himself, Mr. KERREY, Mr. DURENBERGER, and Mr. DASCHLE):

S. 2095. A bill to reform the Federal crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CROP INSURANCE ACT OF 1994

● Mr. LEAHY. Mr. President, discussion about reinventing government has persisted for many years. Last month the Senate voted 98 to 1 to pass our USDA reorganization bill—the first legislation designed to reorganize an executive branch department—and I am proud that this committee moved so quickly on this bill. Senator LUGAR and I demonstrated that it is possible to work together, in a bipartisan spirit, to reform bureaucracies many thought were immune to change. I hope that this spirit continues.

Looking to the future, reinventing government will mean more than simply changing government structures. In order to make our Government more efficient, we need to make changes in outdated policies as well.

Today I am introducing a bill to reform the policies which dictate the way we handle natural disasters affecting American agriculture.

Every time there is a major disaster, Congress passes an ad hoc disaster assistance bill. Ad hoc disaster bills are inherently unpredictable, and as a result, farmers do not know what type of help they can expect in times of need. Because disaster bills are treated as emergency legislation, not subject to normal pay-as-you-go rules, they get loaded down with unrelated legislation that would otherwise never become law.

By improving the existing crop insurance program we can eliminate the need for add hoc disaster programs. Farmers, lenders, and the rest of the country would know what to expect

the next time there is a disaster. We need to eliminate the senseless duplication of separate crop insurance and disaster programs that cover the same losses on the same crops. And, perhaps most importantly, Congress would no longer need to consider ad hoc disaster bills exempt from normal budgetary rules.

The reform of crop insurance and disaster programs has the broad support of farmers and the administration, and I intend to push for quick consideration of this legislation. The Crop Insurance Reform Act of 1994 will give order and predictability to crop insurance programs and at the same time help us help farmers respond to agricultural disasters.●

● Mr. DURENBERGER. Mr. President, I support the Federal Crop Insurance Reform Act of 1994. Too often, legislation starts in Washington and works its way to the people. That's what's wrong with Government. The better way is the way of crop insurance reform—a good idea—which originated in the kitchens of Minnesota farmers like Richard Peterson, Andy Quinn, and Grant Annexstad and worked its way to Washington. This legislation is what's right with government and I am proud to be a leading cosponsor.

We began the fight for reform 3 years ago—in 1991. That year, Minnesota farmers were inundated with heavy rains which destroyed much of the crop farmers had managed to get in the field. Unfortunately, when the rain left them wet, crop insurance left them dry—and this marked the beginning of the long road toward reform.

In 1992—after nearly a year of discussion and hard work—Minnesota farmers had an idea for reform. In the fall of that same year, I introduced the idea to the U.S. Senate as the Federal Crop Insurance Fairness Act of 1992. At the time, however, the need for reform was not obvious to everyone and Congress shelved our plan.

In early spring of last year—on the eve of the 100-year flood—I reintroduced crop insurance reform. But, it wasn't until torrential rains and record-breaking floods swept through the Midwest that reform got any attention. Ultimately, most of Congress settled for the quick fix of disaster aid rather than taking on the real challenge of crop insurance reform. But those of us who wouldn't settle for less did manage to get a promise: There would be reform this Congress.

Later that year, we succeeded in making two major changes in the way crop insurance works. First, farmers would be able to prove their yields in 4 years instead of 10. And, second, the penalty for late planting would be cut in half. These critical changes came right out of the Durenberger bill—the bill Minnesota farmers helped write.

Pleased with our success but recognizing the need for comprehensive reform, we kept the pressure on. And, now, we are seeing our hard work and effort paying off. The President and many in Congress have joined our cause and, with their help, I am confident crop insurance reform will soon be a reality.

As one of the bill's leading cosponsors, I am pleased that this reform package will include nearly all of the remaining components of my earlier legislation. In addition to providing catastrophic coverage to all our Nation's farmers, the Federal Crop Insurance Reform Act includes more affordable 65- and 75-percent coverage levels, prevented planting as part of the standard package, and a catastrophic yield adjustment to protect farmers' actual production history.

For the first time ever, farmers will have an incentive to buy crop insurance coverage. And, this is an important step toward changing the way we deal with disasters. Farmers will be able to rely on sound, predictable coverage when disaster strikes rather than on the unpredictable whims of Congress.

Mr. President, I am proud of this bill because crop insurance reform makes sense. It would provide our Nation's farmers with peace of mind and save its taxpayers money. In fact, it is estimated that this bill will save the American taxpayer as much as $750 million over the next 5 years.

Indeed, I am proud of this legislation and all that it will accomplish. But, most of all, Mr. President, I am proud of people who made it possible: the farmers of Minnesota.●

By Mr. DOMENICI:

S. 2096. A bill to improve private health insurance, to provide equitable tax treatment of health insurance, to reform Federal health care programs, to provide health care cost reduction measures, and for other purposes; read the first time.

HEALTH CARE REFORM ACT OF 1994

Mr. DOMENICI. Mr. President, today I am introducing what I choose to call the Health Care Reform Act of 1994. This bill is my effort to provide some concrete legislative proposals in health care. After watching and observing for weeks and months on end, I have put this bill into a form so that I can advocate some of the principles in it which I think many Senators are going to find rather desirable.

If enacted, this bill will go a long way toward ensuring affordable, quality health care for all Americans, and it would reduce the Federal budget—that is the deficit—by $95 billion to the year 2000.

I think that one statement is unique to any of the bills. It seems to this Senator that we all anxiously awaited health care reform so we could begin to attack the deficit in a permanent way and a way to get us to zero. Perhaps that has been left aside by others. Nobody is worried about it. But I choose to take some of the resources that we account for and say that $95 billion of it over the next 5 years should go to deficit reduction so we do not wait until it is too late to get control of the residual deficit, which will be back up to $395 billion or $400 billion before the turn of the century.

I do not pretend, however, that this bill will answer all possible questions and will fix health care as some claim they want to do once and for all in this country.

Frankly, Mr. President, our system of care is so complex, so diverse, so vast I do not believe it would be wise for us to pretend that we could pass one bill and be done with it.

Just to put in perspective, the cost of health care, private and public, is still growing at rather substantial rates far and above inflation. We already spend over $900 billion, public and private, out of a gross domestic product of $6.5 trillion. So we are already up to around 15 or 15½ percent of our gross national product for just health care.

If we continue on the path we are on, by the turn of the century one-fifth of all our gross productivity will go to health care. In a sense one might say, as they walk the streets and cities in our country and in their neighborhoods, "Well, out of every five people I meet one of them is taking care of me."

That is about as simple a way of talking about the gross national product, and 20 percent of it is going to health care.

It is rather incredible to this Senator that a Nation as far along as ours in terms of science, technology, and health would be even considering that 20 percent of everything we produce, all our gross domestic product, must go just to take care of our health. It is rather something that has never been heard of in any civilized country and is way and above what any other peoples are paying.

So rather than trying to fix the whole thing, I believe it is most important for us to decide in legislation on the direction that health care reform would take. To me it is very clear that the American people want a private system, not a Government-run insurance system. They want Government standards for that system, including some rules for insurance, so that it is fair to all consumers, and they also want freedom to choose their own health care providers.

I am going to go through the main points of my bill and then introduce it and hold myself excused from the Senate.

This bill puts us on a path to universal coverage by vastly expanding the voluntary purchase of more affordable health insurance. Most persons want health coverage to ensure good care

when they need it and to avoid the financial risk of going uninsured.

The primary obstacle for the uninsured is cost. Nearly two-thirds of the uninsured have incomes below 200 percent of poverty.

In addition to the many reforms in the bill that will strengthen market competition and reduce inefficiency, this bill will dramatically extend subsidies which we choose to call health discounts for the poor and the low-income Americans to make private health insurance affordable to them. They will no longer be within a Medicaid system but rather will receive health discounts so they can buy health insurance like other Americans do and be in the private system with whatever savings and efficiencies accrue in it rather than the current cumbersome very expensive Medicaid system.

I believe mandating universal coverage, and I repeat mandating it, is premature, and I think for anybody who looks at the major bills before us that claim universal coverage I believe they will find that that is merely rhetoric and that none of them truly cover every single American. In fact, I heard it said the other day by some who I think know that even under the President's plan the 20 percent that you would have to pay as an employee, 20 percent of your premiums, that it is expected that that would mean that one-seventh of the people who are obligated to pay that and are young and healthy would not pay it, and so one-seventh would probably be uninsured, and they used as an example mandates in the automobile insurance on our citizens in various States, and it is found that if you mandate it people find a way to pay it for a short while under any system you impose and then they drop the payment and go uninsured. The ratios to convince even this Senator that even under that kind of program everybody will not be insured.

I understand that in the State of Hawaii that started years ago to have mandatory universal health coverage there are anywhere from 7 to 8 percent that are not covered today. To say it and to provide it are two different things.

I am not sure any plan that comes out of this Congress is going to be such that we can look at every single American and say rich or poor, unemployed, employed, in between jobs, every single one has the uniform coverage that is prescribed in the President's bill.

So, I believe mandating it is premature, but I think we ought to move as swiftly as possible with a program that is understandable and moves in the right direction. There is too much uncertainty about cost and coverage in a reformed and well-functioning health care market. Too much uncertainty to do it all now and promise universal coverage. With so much uncertainty it is difficult to know what level of coverage will be affordable to the American people. A premature mandate could lead some to support Government cost controls, which would undermine market reforms and threaten the unsurpassed quality of the American health care delivery system as we know it.

Now, one of the qualities we have been searching for in health care reform is to control cost in a reformed marketplace. One of the reasons for that was to try to apply some of the savings to the deficit of the United States on the public side. The other was to cut the spiraling costs of health care for individuals and businesses because unless we did it would bankrupt our businesses and diminish our competitiveness for everybody knows the numbers that we speak of in terms of insurance costs on an American automobile as it leaves the factory and the insurance costs on an automobile leaving a Japanese factory. That is just symbolic of what is going on in the marketplace if we do not control costs.

I do not believe that the Government can impose cost controls on overall health care spending, such as premium caps or price controls on services and drugs. And I do not think we can do that without seriously undermining the quality and efficiency of this health care system.

Today, we have the finest quality of care in the world. It would be a tragedy to abandon such quality in the name of reform.

Only market incentives can improve the productivity and efficiency of the health care delivery system, thus holding costs down while maintaining or improving quality. To make the market work better, consumers must be more cost conscious and capable of comparing price and the quality of competing health insurance plans.

This legislation creates something called accountable health plans, AHP's, which combine insurance and health care delivery. These plans are there principally to collect and provide data, standardized data, on how well their health care services keep people in a healthy lifestyle, as well as on the satisfaction of the patient. This data then will be used by purchasers to compare the quality of various competing plans.

I think the accountable health care plans, perhaps with other names, are found in the Chafee plan, and it comes on rather immediately.

In this bill, consumers are encouraged to purchase accountable health plans for their coverage by phasing out the deductibility of premiums paid to non-AHP's over a 5-year period. But, they may always buy something else with their own money if they wish.

The bill also sets a limit on the amount employers and employees can deduct from taxes for health insurance premiums, the so-called cap that has been debated back and forth. In my bill, the limit is set very high initially, roughly 67 percent above the premium estimate for the Clinton benefit package. That means we set a cap on deductibles by the employers at 67 percent above the premiums required to purchase the benefits assumed in the Clinton health package as a dollar number. But these limits are not indexed—they are not indexed, Mr. President—for 5 years as a phase-in of the more cost-conscious consumption of health insurance. They are there as a pressure not to be exceeded. And for those who are above it, if they want to get continued deductibility, they must begin to ratchet down during that 5 years either what they buy or in some way change the insurance coverage and mix if they want total deductibility. We think it is a very novel idea and has real significance in a health care plan.

Protecting choice. I believe a strength of our current health care system is the freedom of Americans to make choices for themselves. Such choice promotes accountability, flexibility, and innovation, and that is without mentioning that it makes American people feel good about the relationship between their doctor and themselves.

This bill that I am introducing protects choice. Consumers may buy any kind of health insurance they wish. Managed care health insurance plans must make available insurance products that pay for at least 50 percent of the cost of services provided by any licensed provider chosen by a patient even if the provider is outside the plan's network, the so-called point of service option. In other words, there would be an insurance policy that would have to be written that if you chose it you are choosing choice and that policy will leave you with only 50 percent of the cost if you choose to go with the total free choice of your own doctor and delivery system.

This bill establishes a standard benefit package, but it is for two reasons. First, all employers must offer, but not necessarily purchase or pay for, the standard package to ensure access for all employees.

Second, the standard benefit package, with some variation on cost sharing, is used as the basis for calculating health discounts for the poor and low-income Americans. I think this is a very important point.

And for those who are interested in what do I do with and what will the standard benefit package be in this bill, I ask that they read this carefully. It is not a standard benefits package that is mandated on anyone. It is there because we say it should be offered and it is there so that when we buy insurance coverage through this approach of putting money in the hands of the poor to buy their own that we will use this standard package as the benchmark for what is being purchased for them.

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Nonetheless, it must be made clear that employers remain free to also offer, and consumers are free to purchase, any variety of benefit package they desire.

Now, I will proceed to a section and I will go through it rapidly because it has been discussed over and over. But I call it the fixing what is broken part.

There are many aspects of the current health care system that are clearly in need of repair. Nearly every major health care proposal addresses each of these problems, and so does this proposal that I introduce today.

It bans preexisting condition clauses in health insurance contracts for persons who stay continuously covered by health insurance. The ban gives people a strong incentive to stay covered voluntarily to avoid such clauses. It requires health insurance to provide parity coverage for the severely mentally ill, such as schizophrenia or schizophrenics, major depression, bipolar disorders and the like. Parity means that all medically necessary care must be covered by health insurance and the cost-sharing requirements must be the same as severe physical illnesses. And at a later date I will address the issue that it can be done and clearly will not break the bank, as some people are concerned.

It provides fair rules for insurance sold to small businesses, including a requirement that such insurance fall within a 20-percent ban between the lowest and highest price offered to any small business in the area. It gives small business the ability to pool their purchasing power and get lower premiums. These two work together.

It doubles funding for rural and other community health centers and national health service corps, found also in the Chafee bill. It reforms medical liability by requiring binding arbitration and caps on noneconomic damage to cut defensive medicine.

Now, I then want to talk a minute about reforming the Federal programs.

Federal health programs are a major force in the current system and contribute to the excessive costs growth and inefficiency. The Congressional Budget Office puts total Federal spending at one-third of the national health expenditures. That is, of all the expenditures on health, Mr. President, one-third is the National Government's expenditures; one-third of that. In some markets, it is higher.

Reform of these programs should be part of this overall solution.

The bill that I am introducing today protects Medicare, but expands the opportunities and incentives for beneficiaries to enroll in competing health insurance plans.

Currently, some 50 percent of private group health insurance is managed care, but only 5 percent of Medicare beneficiaries are in that new kind of delivery system. One of the primary reasons is that managed care options are not presented well to Medicare beneficiaries and the payment system is terribly flawed.

Senator DURENBERGER and I have worked on an approach that will give Medicare beneficiaries much more meaningful choice among competing health plans. Senator DURENBERGER introduced these provisions separately in S. 1996. I have incorporated basically the same provisions in this bill.

Let me repeat, under this approach, so called Medicare Choice, the beneficiaries would always retain the right to stay in the current fee-for-service Medicare program which would be fully protected. But they would have the option each year, during an annual enrollment, to enroll in a private health plan, if they wish.

To slow down the rate of growth of Medicare spending, this bill includes several provisions proposed by the President, including the extension of expiring provisions, reduction in payments to providers, in some instances—and they are detailed in the bill—and coinsurance requirements for home health care and laboratory services.

My bill would also replace Medicaid acute care with health discounts. Fifty percent of Medicaid today goes to acute care. The other portion goes to long-term care. We would take the entire pool of money that is currently acute care, with the State match that goes with it, and we would begin to create the pool of money that would be used to begin universal coverage for those who cannot afford it.

Health discounts would help poor and low-income families enroll in private health insurance plans. Medicaid acute care spending, both Federal and State, would be converted, as I indicated, to health discounts. In addition, new Federal spending would be phased in based upon available resources, subject to a 10-percent State matching amount. When fully phased in, poor families would get discounts sufficient to cover 100 percent of the cost of a benchmark private health insurance plan with minimal cost sharing. Low-income families, up to twice the poverty level, would get discounts based on a sliding-income scale. During this phase in, all low-income families will be given discounts to ensure protection against large medical expenses.

Between 1996 and 2000, we estimate that the total spending on health discounts will increase from about $120 billion to $200 billion, combined Federal and State spending.

The Federal budget deficit will exceed $380 billion in 10 years, largely because of mandatory Federal health care programs and their spiraling out-of-control costs.

None of the bills heretofore introduced will reduce that deficit, although the Chafee plan seeks to protect against any additional spending by building into the Chafee program "save before you pay," a provision that we suggested and is included in it and makes some sense. But we do not put any resources on the deficit.

This bill cuts spending and increases revenues by a total of $145 billion between 1996 and 2000. It will devote $95 billion of that to deficit reduction, and $50 billion of it will go to expand coverage through health care discounts above and beyond the Medicaid spending, which is also converted to discounts, as I have discussed heretofore, with a process of phasing in benefits based on available resources.

If the market incentives in this bill as we expect, are better than projected for budget process work, both the deficit reduction and the health discount spending would be even greater. We would move more rapidly toward universality of a standard package, and we would reduce the deficit more.

My conclusions are that the President deserves a great deal of credit for putting health care reform on the top of the legislative agenda. Clearly, despite its many strengths, our health care system is not working well for a lot of Americans, and I am committed to enacting legislation this year that will address the flaws in the system that drive up costs and leave too many people without insurance coverage or health care.

But I believe we must be cautious also. Our health care system is huge, complex. Tens of millions of Americans like the coverage they have today. This legislation provides targeted reforms in those areas that are clearly in need of repair, phases in reforms that are necessary to make the market work better, to control long-run costs while maintaining quality and innovation, puts us on a path to universal coverage and reduces the budget deficit with a degree of certainty, not in any other bill.

Mr. President, I ask unanimous consent that three supporting documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEALTH CARE REFORM ACT OF 1994—MAJOR PRINCIPLES

1. EXPANDING COVERAGE IN A VOLUNTARY SYSTEM

The bill puts us on a path to universal coverage by vastly expanding the voluntary purchase of more affordable health insurance.

Most Americans want health coverage to ensure good care when they need it and to avoid the financial risk of going uninsured: the primary obstacle is cost.

The bill would expand subsidies ("health discounts") for poor and low income Americans to make private health insurance affordable.

Mandating universal coverage is premature: there is too much uncertainty about costs and coverage in a reformed and well-functioning health care market to know what level of coverage is affordable for all Americans. A premature mandate could lead

to Government cost controls which would undermine market reforms and the unsurpassed quality of the American health care delivery system.

2. CONTROLLING COSTS IN A REFORMED MARKETPLACE

Only market incentives can improve the productivity and efficiency of the health care delivery system, thus holding down costs while maintaining quality.

To make the market work better, consumers must be more cost-conscious and capable of comparing the price and quality of competing health insurance plans.

Consumers are encouraged to purchase Accountable Health Plans (AHPs)—which combine insurance and systems of health care delivery—for their coverage by phasing-out the deductibility of premiums paid to non-AHPs over five years. AHPs must collect and provide standardized data (health outcomes, patient satisfaction) so purchasers can more objectively compare their quality as well as their price.

The bill limits the amount employers and employees can deduct from taxes for health insurance premiums: the limit is set high initially, but not indexed for five years to provide a phase-in more-conscious consumption.

3. PROTECTING CHOICE

Americans value their freedom to make choices for themselves, and a strength of our current health care system is flexibility and innovation.

The bill protects choice: consumers may buy any kind of health insurance they wish and managed care plans that use networks of providers are required to make available alternative insurance plans that pay for at least 50 percent of the cost of services provided by any licensed provider chosen by a patient (a "point of service" option).

The bill establishes standard benefits which employers must off (but not necessarily pay for) and which provides a reference for health discounts. But employers are free to also offer, and consumers are free to purchase, any other variety of benefits package they desire.

4. FIXING WHAT'S BROKEN

The bill addresses clearly identifiable problems and inequities in the current system by banning pre-existing condition clauses for persons who stay continuously covered by health insurance, providing fair rules for insurance sold to small businesses, pooling small business purchasing power, expanding rural health clinics, and reforming medical liability to cut defensive medicine.

5. REFORMING FEDERAL PROGRAMS

Federal health programs are a major force in the current system and contribute to excessive cost growth and inefficiency. Reform of these programs should be part of an overall solution.

The bill would protect Medicare but expand the opportunities and incentives for beneficiaries to enroll in competing AHPs ("Medicare Choice").

The bill would also replace Medicaid acute care with "health discounts," available to poor and low income Americans to offset the cost of enrolling in competing AHPs.

6. REDUCING THE DEFICIT AND ASSURING FISCAL RESPONSIBILITY

The federal budget deficit will exceed $380 billion in ten years largely because mandatory federal health care programs are spiralling out of control. To be responsible fiscally, health care reform must contribute to deficit reduction and ensure new health care spending does not exceed projections.

The bill cuts spending and increases revenue by $145 billion between 1995 and 2000, devotes $95 billion of that amount to deficit reduction, and provides at least $50 billion to expand coverage through health discounts (above and beyond Medicaid spending which is also converted to discounts) with a process for phasing-in benefits based on available resources.

HEALTH CARE REFORM ACT OF 1994—SUMMARY

CONTROLLING COSTS IN A REFORMED MARKETPLACE

Accountable Health Plans (AHPs): AHPs must provide standardized data measuring their quality and enrollee satisfaction to allow comparisons among AHPs. Premiums paid to non-AHPs are not tax deductible in five years.

Limit on Tax Deductibility: Employers and employees can deduct health insurance premiums up to a fixed amount that is nearly double the cost of the an average plan but will not be indexed for five years. The limit is reduced by half for higher income persons.

Employer Responsibility: Employers must make available to employees an AHP covering a standard benefits package. Employers are not obligated to pay premiums.

PROTECTING CHOICE

Point-of Service: AHPs must make available an insurance product that covers at least 50 percent of the cost of services provided by any licensed health care provider.

FIXING WHAT'S BROKEN

No Pre-Existing Condition Clauses/Severe Mental Illness Parity Coverage: Health insurance may not exclude a pre-existing condition if a person is in a period of continuous coverage; health insurance must provide parity coverage for severe mental illnesses.

Small Business Health Insurance: Health insurance offered to small business employees must be available to all small business employees in the market area, renewable by the small business, and priced with a 20% premium rate band. Small businesses may join together voluntarily in purchasing pools to improve their market power.

Access in Rural Areas: The community health center and national health service corps programs are doubled. Rural providers get refundable tax credits.

Medical Liability Reform: All disputes must be resolved by arbitration and are subject to a $250,000 cap on non-economic damages and other constraints on awards.

REFORMING FEDERAL PROGRAMS

Medicare Choice: Beneficiaries can stay in the current fee-for-service program, which is fully protected, or, once a year, enroll in an AHP. The Government will pay a fixed amount to AHPs, based on competition. Beneficiary premiums reflect local costs. Higher income persons pay higher premiums. Spending growth is slowed by including Administration proposals extending expiring provisions, reducing provider payments, and other changes.

Health Discounts and Medicaid: Medicaid acute care is replaced by health discounts. When fully phased-in, health discounts pay all (for the poor) or a portion of (for persons below 200 percent of poverty) AHP premiums on behalf of eligible beneficiaries. States pay a 10 percent matching amount above current Medicaid spending.

REDUCING THE DEFICIT AND ASSURING FISCAL RESPONSIBILITY

Deficit Reduction and Health Discount Financing: Spending reductions and new revenues total $145 billion between 1995 and 2000, with $95 billion devoted to deficit reduction and $50 billion to finance health discounts (above and beyond the Federal Medicaid baseline amounts converted to health discounts). The Secretary of HHS will phase-in health discounts based on available Federal spending each year.

Tobacco Tax: Cut the President's $.75/pack of cigarettes increase to $.36.

HEALTH CARE REFORM ACT OF 1994—DESCRIPTION

1. FEDERAL REFORM AND STATE IMPLEMENTATION

The Secretary of Health and Human Services will certify that States have established health care reform programs consistent with the Act.

In general, States will be responsible for: Regulating health plans and accountable health plans; establishing health plan market areas covering the State; coordinating reform with bordering and nearby States; implementing insurance reforms for small businesses; ensuring at least one voluntary small business purchasing pool in each market area; reforming medical liability laws; and administering low income premium assistance.

The Federal Government will retain regulatory oversight of health plans established under the Employee Retirement Income Security Act (ERISA) and make other reforms in Federal health care laws and programs.

States not complying with the standards established in the Act would be ineligible for new Federal financing of the premium assistance program ("health discounts") for poor and low income families.

In such a case, the Secretary would assume regulation of health plans in the State.

States would have the flexibility to propose alterations to the basic Federal reform framework, particularly to address underserved rural areas, if such alterations do not increase the Federal budget deficit and are generally consistent with a system of private health insurance, cost control based on competition, and freedom of choice of provider and plans.

States may not establish single payer plans.

2. PRE-EXISTING CONDITION CLAUSES

No health plan may exclude from coverage the costs for treating the pre-existing condition of a newly enrolled individual if the individual was covered by other health insurance for six months prior to switching coverage.

To ensure individuals have an incentive to stay insured, health plans may exclude from coverage the costs of treating a preexisting condition for up to six months if a newly enrolled individual was not covered by other health insurance for at least six months prior to switching coverage.

3. SMALL BUSINESS INSURANCE REFORM

All health plans offered to small businesses (under 51 employees) would be required to meet certain standards.

Guaranteed Eligibility: No person may be denied coverage if they are part of an eligible small business seeking to purchase coverage.

Guaranteed Renewability: Health plans may not refuse to renew coverage unless they are terminating coverage for all small businesses in a State.

Guaranteed Availability: Health plans made available to one small business purchaser must be made available to all small groups in the market area.

Premium Rate Bands: Health plans must limit the difference between the lowest and

highest premium charged to 20 percent in a health plan market area for small business employees with the same age and family status.

4. PARITY COVERAGE OF SEVERE MENTAL ILLNESSES

All health plans and AHPs must provide parity coverage for severe mental illnesses.

Severe mental illness is defined through diagnosis, disability, and duration, and includes disorders with psychotic symptoms such as schizophrenia, schizoaffective disorder, manic depressive disorder, autism, as well as severe forms of other disorders such as major depression, panic disorder, and obsessive compulsive disorder.

For persons 21 years of age or younger, severe mental illness is defined to also include psychotic disorders, attention deficit hyperactive disorder, autism and pervasive development disorder, severe childhood eating disorders, Tourette's syndrome, and any behavioral disorder that could result in conduct which may place the person or another person in danger of death or serious bodily injury.

Parity coverage will prohibit health plans from imposing dollar or service limitations or higher cost-sharing requirements on coverage for these illnesses.

5. ACCOUNTABLE HEALTH PLANS (AHPS)

Accountable health plans (AHPs) will provide both insurance coverage and a system for delivering health care services to enrollees.

AHPs will be accountable to their enrollees and the public for their performance in providing a quality health care and satisfying their enrollees.

In addition to complying with pre-existing condition requirements, AHPs must adhere to the following:

No Discrimination: AHPs may not discriminate against potential enrollees based on their health status or expected use of health care services.

Adjusted Community Rating: In the small group market, AHPs must charge the same premium for all consumers in a market area, adjusting only for age and family status.

Internal Quality Assurance: AHPs must maintain a system of continuous quality improvement, providing feedback to the AHPs network of providers to improve care outcomes.

Comparative Quality Data: AHPs must comply with standards established by the Secretary for the collection and use of data concerning an AHP's quality, health outcomes, and enrollee satisfaction. Such data shall be used to compare AHP's performances.

Market Conduct: AHPs shall comply with standards for market conduct, including provision of written descriptions of the plan's covered benefits, services, procedures, limitation on enrollees' use of services, and cost-sharing requirements.

Enrollee Grievances: AHPs must maintain a process for hearing and resolving enrollee grievances.

Financial Solvency: AHPs must meet standards of financial solvency.

Health Discount Programs: AHPs (other than self-insured plans covered by ERISA) must participate in State health discount programs for poor and low income individuals and employees.

Medical Liability Reform/Administrative Costs: AHPs must comply with the requirements regarding medical liability reform and reducing administrative costs.

AHPs will be phased-in over a five year period by gradually eliminating the tax deduction for employer and employee premiums paid to non-AHPs.

6. GUARANTEED CHOICE OF PROVIDER AND PLAN

Consumers would always retain the right to purchase any kind of health insurance coverage they desire, including insurance that does not qualify as an APH and duplicates standard benefits.

AHPs would be required to make available an insurance product that provides a "point of service" option for enrollees:

Under such an option, enrollees would be allowed to see any provider they chose, including those not normally in the AHP's network.

The AHP would be required to pay for at least 50 percent of the cost of those services.

7. STANDARD BENEFITS PACKAGE

The Secretary will establish a standard benefits package that all employers must offer to employees and which will be used to determine health discounts for low income families.

The standard benefits package will contain coverage for at least the following: Inpatient and outpatient hospital services; Physician services; Diagnostic services and tests; Outpatient prescription drugs; Preventive services; and Party coverage for severe mental illnesses.

The Secretary will establish actuarially equivalent cost-sharing arrangements for the standard benefits package, including arrangements typical of health maintenance organizations and fee-for-service health insurance.

For purposes of providing health discounts, the Secretary will also establish:

A nominal cost-sharing benefit package which is identical to the standard benefits package, but with lower cost-sharing for purposes of providing health discounts for poor individuals; and

An alternative benefits package which is identical to the standard benefits package, but with higher cost-sharing for purposes of phasing-in health discount benefits for low income individuals.

8. SMALL BUSINESS PURCHASING POOLS

Each State will ensure that at least one voluntary small business purchasing pool is operating in each market area.

These purchasing pools cannot require small businesses to get their coverage through them, but they must accept as part of their pool all willing and eligible small businesses and eligible employees.

Purchasing pools will be private, not-for-profit corporations governed by representatives of small businesses and other individuals purchasing through them.

In general, purchasing pools will allow eligible employees to select their health plan coverage annually from among AHPs offering the standard benefits package and, for poor employees, the nominal cost-sharing benefits package (and perhaps other standardized options) and competing on the basis of their price and quality.

AHPs may offer a premium inside the pool that is below the adjusted community rate offered outside the pool if the pool has at least 30 percent of the small business market in the market area.

Purchasing pools will provide comparative information for selecting plans and may organize the collection and forwarding of premiums, but pools will not regulate health plans or health care providers.

9. EMPLOYER RESPONSIBILITY

All employers will be required to make at least one AHP providing standard benefits available to employees.

Employers are not required to pay for any portion of the premium.

Small employers may enroll in small business purchasing pools to satisfy this requirement.

10. EQUITABLE TAX TREATMENT OF HEALTH PLANS

Self-employed workers would be given a deduction of up to 100 percent of their health plan premiums, subject to the limit and requirements discussed below.

Employers offering a choice of more than one health care delivery system for a benefit package must provide the same contribution to all plans, regardless of the employee's selection.

The tax deduction for employers and employees would be limited to a fixed amount (shown below) for the years 1996 through 2000, and would be indexed to per capita GDP growth beginning in 2001.

Type of family covered	*Annual limit on tax deduction*
Single Person	$4,080
Couple (no children)	8,280
Single Parent	8,040
Family with children	10,920

These amounts would be reduced by one-half for persons with incomes exceeding $100,000 ($125,000 for joint filers).

The lower limits will be phased-in beginning at $75,000 ($100,000 for joint filers).

11. MEDICARE CHOICE AND REGIONAL EQUITY

Regional Equity: Nationwide, the Medicare beneficiary premium would be based on the same calculation as current law, but the premium would vary by market area to reflect the costs in that area.

As shown in the example below, current costs vary widely between areas, but beneficiaries are required to pay the same Part B premium.

EXAMPLE OF WIDE VARIATION IN MEDICARE PART B COSTS BY GEOGRAPHIC LOCATION

(In 1994)

	Part B premium	Costs per person	Premium as percent of costs
Bernalillo County, NM	$493	$1,681	29
Dona Ana County, NM	493	1,434	34
Los Angeles, CA	493	2,574	19
Dade County, FL	493	3,402	14

Simplification: To reduce the paperwork for beneficiaries, Medicare contractors will coordinate and adjudicate all billing and claims for health care providers, including amounts covered by supplementary insurance.

Medicare and supplementary insurance carriers will reimburse providers first before any remaining amount is billed to the beneficiary using a standardized form.

Choice

Each year, Medicare beneficiaries in a market area would have the opportunity to select from among competing AHPs, called Medicare health plans.

Beneficiaries would always retain the right to stay in the current Medicare program, which would be fully protected.

For beneficiaries selecting a health plan, Medicare would pay a fixed amount per beneficiary based on bids put forward by all competing health plans in the market area.

The fixed amount would be set so that the beneficiary would retain most of the savings from enrolling in a cost effective plan in the form of reduced Medicare premiums.

For five years, the fixed amount will be increased by 10 percent for beneficiaries residing in underserved rural areas.

Beneficiaries may also enroll in an employer-sponsored health plan that is available only to current or former employees.

Medicare would pay the same fixed amount to the employer-sponsored plan.

Low income Medicare beneficiaries would get the same protection provided under current law for premium and cost-sharing assistance, including any health plan premiums and cost-sharing.

During selection of their Medicare coverage, beneficiaries would also choose from among several standardized supplementary insurance policies offered by Medicare health plans or other insurers.

Medicare health plan must offer to beneficiaries an optional supplementary plan covering prescription drugs and as well as an optional plan providing an annual out-of-pocket maximum for cost-sharing and other coverage typically provided in employer-sponsored plans.

Slowing the Rate of Spending Growth

The following provisions, proposed in some form in the President's health reform plan, would reduce the rate of growth of Medicare spending: Extend expiring provisions relating to secondary payer situations and maintenance of the 25 percent Part B premium; lower the inflation increase for inpatient hospital service; expand use of centers of excellence and allow selective contracting for certain items and services, including lab services, and require 20 percent coinsurance for lab services; reduce skilled nursing and home health cost limits, and require a 10 percent home health copayment; use cumulative expenditure targets for physician fee increases; reduce physician fees for high cost medical staffs; eliminate payments to hospitals for bad debts; reduce hospital indirect medical education payments; and reduce outpatient payments by instituting a perspective payment system.

Income-Tested Medicare Premiums

Medicare beneficiaries with incomes exceeding $100,000 ($125,000 for couples) will be required to pay Medicare premiums equal to half the cost of Medicare insurance.

These higher premiums will be phased-in beginning at $75,000 ($100,000 for couples).

12. HEALTH DISCOUNTS AND MEDICAID REFORM

Medicaid

The acute care portion of Medicaid, including disproportionate share payments, would be replaced by a Federal-State low income premium assistance program—called health discounts—which will be administered by the States.

Low income Medicare beneficiaries will remain entitled to Medicaid payments for premiums and cost-sharing including Medicare health plan premiums and cost-sharing.

Federal-State Financing of Health Discounts

Health discounts will be financed with a combination of Federal and State funds.

Federal and States spending on Medicaid acute care, including disproportionate share spending, will be converted to health discount spending.

Above those amounts, Federal spending (subject to an annual limit; see # 14) will pay for 90 percent of the cost of health discounts, and States will be responsible for the other 10 percent.

Health Discount Programs

States will be responsible for administering the health discount programs.

Health discounts may only be used to pay AHP premiums.

Health discount beneficiaries must pay the difference between their discount and the premium charged by the APH they select (less any employer contribution).

Persons not otherwise eligible for an employer-sponsored plan will be maintained as a separate risk pool, and AHPs will set a separate adjusted community premium for this pool.

Health discounts will be calculated based on premiums submitted by AHPs in each market area.

Benchmark premiums will be determined based on a percentage difference between the lowest and the average AHP premium in each market area.

AHP premiums charged under the small business insurance reforms will determine the benchmark AHP and health discounts for employed persons.

Phasing-In Entitlement to Health Discounts

Entitlement to health discounts will be limited by available Federal spending, necessitating a phase-in.

In general, the Secretary will phase-in health discounts as follows:

Medicaid-Eligibles: For five years, all persons who would otherwise have qualified for acute care coverage under Medicaid would get health discounts sufficient to purchase the nominal cost-sharing benefits package offered by a benchmark AHP.

Medicaid-eligible persons shall be entitled to these discounts regardless of available Federal spending.

Poor: Persons below the poverty line but not otherwise eligible for Medicaid would get health discounts sufficient to purchase the nominal cost-sharing benefits package offered by a benchmark AHP.

If there is insufficient funds to provide full health discounts to all poor persons, the Secretary shall limit the number of poor persons entitled to the health discounts by lowering the income eligibility threshold below the poverty line.

Low Income: Persons with incomes between 100 and 200 percent of the poverty line would get reduced health discounts, based on a sliding income scale and the cost of the standard benefits package offered by a benchmark AHP.

If there is insufficient funds, the Secretary shall first ensure that the maximum number of low income persons get health discounts based on the less expensive alternative benefits package providing an annual out-of-pocket maximum on patient cost-sharing.

The Secretary shall then increase the actuarial value of the alternative benefits packages, subject to available funds, until all low income persons are entitled to health discounts based on the standard benefits package.

13. TOBACCO TAX

The President's proposed increase in the excise tax on cigarettes would be cut from $.75 per pack to $.36 per pack, bringing the total tax to $.60 per pack.

Additional revenue:

	Billions
1996	$7.4
1997	6.4
1998	6.3
1999	6.1
2000	6.0
Total	32.2

14. DEFICIT REDUCTION AND FISCAL RESPONSIBILITY

Staff estimates indicate that between 1995 and 2000, the provisions of this Act would: Cut spending and increase revenue by $145 billion: finance at least $50 billion in health discounts above and beyond the amount of Federal Medicaid spending converted to health discounts; and cut the deficit by $95 billion.

Federal spending on health discounts will be limited to a specified amount each year less spending on Medicare and the remaining portion of Medicaid (long-term care).

The Secretary will adjust the phase-in of health discounts to ensure spending stays within the available amounts.

If spending on Medicare and Medicaid slow more than projected, the amounts devoted to health discount financing will exceed $50 billion between 1996 and 2000.

15. ACCESS IN RURAL AREAS

Community Health Centers

Federal grants for Community Health Centers would increase as shown below.

	Appropriation (millions)	Increase (percent)
1994 (actual)	$663	
1995	800	+20
1996	960	+17
1997	1,100	+14
1998	1,200	+9

These grants would fund expanded capacity at current sites as well as new clinics, particularly in underserved rural communities.

National Health Service Corps

Federal funding of corps scholarship and loan programs would be increased sufficiently to approximately double the number of health providers serving in underserved areas.

Tax Incentives: Providers locating in underserved rural communities will be eligible for a refundable tax credit for each month they provide primary care services in the community. Physicians staying at least 5 years will get $1000 per month, and nurse practitioners and physicians assistants will get $500 per month.

Primary Care Education: Medicare payments to hospitals for graduate medical education would be reformed in a budget neutral fashion:

Payments would be based on a national average per resident amount.

Payments for primary care residents would be 20 percent higher than payments for non-primary care residents.

16. MEDICAL LIABILITY REFORM

State Implementation: The Secretary of Health and Human Services will certify that States have implemented medical liability reforms that comply with the following requirements.

Binding Alternative Dispute Resolution

All disputes over claims for damages must be resolved by State-based dispute resolution systems.

The States will have considerable flexibility in establishing such systems, but the decisions must be binding and cannot be based on decisions by lay juries (or similarly constructed bodies).

The Secretary will outline an arbitration system that States could adopt to meet Federal standards.

Constraints on Awards

All economic damages would be fully recoverable.

Non-economic damages would be capped at $250,000.

Awards would be reduced for collateral source payments for the same injury.

And periodic payments would be allowed for awards exceeding $100,000.

Punitive Damages: Punitive damages may be imposed, but they will be paid to the States to finance enhanced efforts to prevent injuries by monitoring health providers.

Accountable Health Plans: All Accountable Health Plan (AHP) must clearly identify the party that is accountable for negligent care (the AHP or individual health providers).

Medical Practice Guidelines

The Secretary of HHS will certify scientifically-based medical practice guidelines that may be included in AHP contracts.

If included in an AHP contract, the guidelines would serve to establish the standard by which liability is determined for care provided by the AHP.

Judicial Review: Decisions of the State-based ADR systems may be appealed in court on the same basis as provided in the Federal Arbitration Act to ensure impartial and fair decisions.

17. ANTI-TRUST REFORM

The President would be required to provide clear guidance on the application of antitrust laws to the development and operation of AHPs.

The Attorney General will establish a review process for determining whether AHPs or potential AHPs will violate antitrust laws.

The Attorney General will establish a process for issuing "certificates of public advantage" that will allow health care collaborative efforts to occur without regard to antitrust laws if the benefits of such an effort clearly outweigh any possible reduction in competition.

In general, these certificates will allow more consolidation of health care resources in rural areas to prevent competition among capital-intensive health care services from increasing, rather than decreasing costs.

18. CUTTING PAPERWORK AND ADMINISTRATIVE COSTS

The Secretary of Health and Human Services will establish standardized requirements for maintaining and transmitting health care information electronically.

AHPs will be required to comply with these standards.

By Mrs. BOXER:

S. 2097. A bill to amend the Export Enhancement Act of 1988 to promote further United States exports of environmental technologies, goods, and services; to the Committee on Banking, Housing, and Urban Affairs.

ENVIRONMENTAL EXPORT PROMOTION ACT OF 1994

• Mrs. BOXER. Mr. President, I am proud to be introducing today a bill that will help increase exports of a growing, job-creating California industry: environmental technology or envirotech.

Over 4,000 California companies produce envirotech—more than any other two States combined. These companies employ roughly 180,000 Californians.

The international market for envirotech is large and growing rapidly. The market is currently about $270 billion annually, and is projected to grow to $400–600 billion by the year 2000. The United States is still the leading envirotech producer, but our major competitors—Japan, Germany, France, and the Nordic countries—are gaining fast. We must be sure that our envirotech producers do not lose their competitive edge in this growing market sector. This bill will direct a portion of our limited trade promotion resources toward envirotech, helping our companies maintain their edge.

This bill will help U.S. envirotech producers locate foreign market opportunities. Foreign envirotech producers benefit from strong, government-sponsored trade promotion efforts. In Japan, the Ministry of International Trade and Industry [MITI] is promoting their envirotech companies through R&D support, export promotion, and foreign aid programs. The European Community [EC] supports envirotech exports through the Network for Environmental Technology Transfer [NETT] which provides information about foreign market opportunities, foreign environmental standards and regulations, and R&D programs.

In the past, many U.S. industries have lost markets around the world because their competitors have benefitted from high-levels of export assistance and foreign government officials who are willing to go out and sell their nation's products. We need to be sure that our envirotech companies can compete against foreign producers that benefit from this kind of government support.

California's economy is beginning to rebound after 4 years of recession. Increasing exports of California's competitive industries—such as environmental technology—will help drive this economic recovery. Increasing the exports of California's world-class envirotech producers will mean more jobs for Californians, and a cleaner global environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Export Promotion Act of 1994".

SEC. 2. PROMOTION OF UNITED STATES ENVIRONMENTAL EXPORTS.

(a) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728) is amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following new subsections:

"(c) ENVIRONMENTAL TECHNOLOGIES TRADE ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT AND PURPOSE.—The Secretary, in carrying out the duties of the chairperson of the TPCC, shall establish the Environmental Technologies Trade Advisory Committee (hereafter in this section referred to as the 'Committee'). The purpose of the Committee shall be to provide advice and guidance to the Working Group in the development and administration of programs to expand United States exports of environmental technologies, goods, and services.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The members of the Committee shall be drawn from representatives of—

"(i) environmental businesses, including small businesses;

"(ii) trade associations in the environmental sector;

"(iii) private sector organizations involved in the promotion of environmental exports;

"(iv) the States (as defined in section 2301(j)(5)) and associations representing the States; and

"(v) other appropriate interested members of the public.

"(B) COMMITTEE COMPOSITION.—The Secretary shall appoint as members of the Committee no fewer than 1 individual under each of clauses (i) through (v) of subparagraph (A).

"(d) EXPORT PLANS FOR PRIORITY COUNTRIES.—

"(1) PRIORITY COUNTRY IDENTIFICATION.—The Working Group, in consultation with the Committee, shall annually assess which foreign countries have markets with the greatest potential for the export of United States environmental technologies, goods, and services. Of these countries, the Working Group shall select the 5 countries with the greatest potential for the application of United States Government export promotion resources related to environmental exports as 'priority countries'.

"(2) EXPORT PLANS.—The Working Group, in consultation with the Committee, shall annually create a plan for each priority country selected under paragraph (1), setting forth in detail ways to increase United States environmental exports to such country. Each plan shall—

"(A) identify the primary public and private sector opportunities for United States exporters of environmental technologies, goods, and services in the priority country;

"(B) analyze the financing and other requirements for major projects in the priority country which will use environmental technologies, goods, and services, and analyze whether such projects are dependent upon financial assistance from foreign countries or multilateral institutions; and

"(C) list specific actions to be taken by the member agencies of the Working Group to increase United States exports to the priority country.".

(b) ADDITIONAL MECHANISMS TO PROMOTE ENVIRONMENTAL EXPORTS.—Section 2313 of the Export Enhancement Act of 1988 (15 U.S.C. 4728) is amended by adding at the end the following:

"(f) ENVIRONMENTAL TECHNOLOGIES SPECIALISTS IN THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—

"(1) ASSIGNMENT OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—The Secretary shall assign a specialist in environmental technologies to the office of the United States and Foreign Commercial Service in each of the 5 priority countries selected under subsection (d)(1), and the Secretary is authorized to assign such a specialist to the office of the United States and Foreign Commercial Service in any country that is a promising market for United States exports of environmental technologies, goods, and services. Such specialist may be an employee of the Department of Commerce, an employee of any relevant Government department or agency assigned on a temporary or limited term basis to the Department of Commerce, or a representative of the private sector assigned to the Department of Commerce.

"(2) DUTIES OF ENVIRONMENTAL TECHNOLOGIES SPECIALISTS.—Each specialist as-

signed under paragraph (1) shall provide export promotion assistance to United States environmental businesses, including—

"(A) identifying factors in the country to which the specialist is assigned that affect the United States share of the domestic market for environmental technologies, goods, and services, including market barriers, standards-setting activities, and financing issues;

"(B) providing assessments of assistance by foreign governments to producers of environmental technologies, goods, and services in such countries in order to enhance exports to the country to which the specialist is assigned, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

"(C) training Foreign Commercial Service Officers in the country to which the specialist is assigned, other countries in the region, and United States and Foreign Commercial Service offices in the United States, in environmental technologies and the international environmental market;

"(D) providing assistance in identifying potential customers and market opportunities in the country to which the specialist is assigned;

"(E) providing assistance in obtaining necessary business services in the country to which the specialist is assigned;

"(F) providing information on environmental standards and regulations in the country to which the specialist is assigned; and

"(G) providing information on all United States programs that could assist the promotion, financing, and sale of United States environmental technologies, goods, and services in the country to which the specialist is assigned.

"(g) ENVIRONMENTAL TRAINING IN ONE-STOP SHOPS.—In addition to the training provided under subsection (f)(2)(C), the Secretary shall establish a mechanism to train—

"(1) Commercial Service Officers assigned to the one-stop shops provided for in section 2301(b)(8); and

"(2) Commercial Service Officers assigned to district offices in districts having large numbers of environmental businesses;

in environmental technologies and in the international environmental marketplace, and ensure that such officers receive appropriate training under such mechanism. Such training may be provided by officers or employees of the Department of Commerce, and other United States departments and agencies, with appropriate expertise in environmental technologies and the international environmental workplace, and by appropriate representatives of the private sector.

"(h) INTERNATIONAL REGIONAL ENVIRONMENTAL INITIATIVES.—

"(1) ESTABLISHMENT OF INITIATIVES.—The TPCC shall establish not less than one international regional environmental initiative, the purpose of which shall be to coordinate the activities of Federal departments and agencies in order to build environmental partnerships between the United States and the geographic region outside of the United States for which such initiative is established. Such partnerships shall enhance environmental protection and promote sustainable development by using technical expertise and financial resources of the United States departments and agencies that provide foreign assistance, and by expanding United States exports of environmental technologies, goods, and services to that region.

"(2) ACTIVITIES.—In carrying out each international regional environmental initiative, the TPCC shall—

"(A) support the development of sound environmental policies and practices in countries in the geographic region for which the initiative is established, including the development of environmentally sound regulatory regimes and enforcement mechanisms, through the provision of foreign assistance;

"(B) identify and disseminate to United States environmental businesses information regarding specific environmental business opportunities in that geographic region;

"(C) coordinate existing Federal efforts to promote environmental exports to that geographic region, and ensure that such efforts are fully coordinated with environmental export promotion efforts undertaken by the States and the private sector;

"(D) increase assistance provided by the United States to promote exports from the United States of environmental technologies, goods, and services to that geographic region, such as trade missions, reverse trade missions, trade fairs, and programs in the United States to train foreign nationals in United States environmental technologies; and

"(E) increase high-level advocacy by Government officials (including the United States ambassadors to the countries in the geographic region outside of the United States) for United States environmental businesses seeking market opportunities in that geographic region.

"(i) ENVIRONMENTAL TECHNOLOGIES PROJECT ADVOCACY CALENDAR AND INFORMATION DISSEMINATION PROGRAM.—The Working Group shall—

"(1) maintain a calendar, updated at the end of each calendar quarter, of significant opportunities for United States environmental businesses in foreign markets and trade promotion events, which shall—

"(A) be made available to the public;

"(B) identify not less than 50 nor more than 100 environmental infrastructure and procurement projects in foreign markets that have the greatest potential in the calendar quarter for United States exports of environmental technologies, goods, and services; and

"(C) include trade promotion events, such as trade missions and trade fairs, in the environmental sector; and

"(2) provide, through the National Trade Data Bank and other information dissemination channels, information on opportunities for environmental businesses in foreign markets and information on Federal export promotion programs.

"(j) REGIONAL CENTERS.—The Secretary, through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, is authorized to provide matching funds for the establishment in the United States of regional environmental business and technology cooperation centers that will draw upon the expertise of the private sector and institutions of higher education and existing Federal programs to provide export promotion assistance related to environmental technologies, goods, and services.

"(k) DEFINITION.—For purposes of this section, the term 'environmental business' means a business that produces environmental technologies, goods, or services.".●

By Mr. GRAMM (for himself, Mr. MCCAIN, Mr. LOTT, Mr. SHELBY, and Mrs. HUTCHISON):

S. 2098. A bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursement; to the Committee on Finance.

THE MILITARY MOVING EXPENSE TAX TREATMENT ACT OF 1994

Mr. GRAMM. Mr. President, the 1993 budget reconciliation bill removed the deductibility of certain moving expenses as of January 1, 1994. This action affected four moving allowances which, when reimbursed to members of the military, are now subject to income tax. These allowances are the temporary lodging allowance, temporary lodging expense, dislocation allowance, and the move-in housing allowance.

The Defense Department dictates over 800,000 transfers each year, approximately 100,000 of which are overseas. Ninety percent of these moves involve enlisted personnel, who are frequently forced to live in temporary—often expensive—accommodations.

These allowances have always been tax free and are designed to reimburse troops for their out-of-pocket moving expenses. Because they do not profit from these allowances, making them taxable requires our Armed Forces to take 15 or 28 percent of their moving allowance to pay taxes rather than pay for their moving expenses. In addition, since these allowances are subject to withholding, troops and their families will be forced to dip into their savings to make a move when their expenses are already much higher than usual, placing another heavy burden on cash-strapped military families.

For example, before 1994, a petty officer third class with 4 year's service and a spouse and child, who was transferred to Naples, would receive a total reimbursement of $11,719. After the 1993 tax change, he would receive only $9,961 and have to pay taxes of $1,758.

A lieutenant commander with 16 years service who has a spouse and two children, transferred to Naples before 1994, would receive a total reimbursement of $13,434. Now, he would receive only $9,672, and a tax increase of $3,762.

The total estimated tax revenue the Government receives from military members as a result of the reconciliation change is $77 million. If the Defense Department were to increase the moving allowance payments to service members to counter tax increases, it would cost the Government $95 million.

Mr. President, we ask our soldiers, sailors, airmen, and marines to move repeatedly and to serve in high-cost areas, often overseas. They do not have a choice where they go, when they go there, or, often, where they live when they arrive. There's something very wrong when our Government orders troops to move and then makes them pay to do it. Last year's tax change hits them very hard and will certainly affect their morale. I urge my col-

leagues to endorse this important piece of legislation and remedy this situation.

• Mr. MCCAIN. Mr. President, I am introducing legislation with Senator PHIL GRAMM today that will correct an injustice to those men and women who serve in our Armed Forces. I am very concerned about the impact of the Revenue Reconciliation Act of 1993, passed by the Congress last year, on active duty service members for the out-of-pocket expenses they incur when moving from one duty station to another on Government orders. This bill treated moving expense reimbursements as income subjecting it to Federal and possibly even State taxes.

The unintended effect of the Revenue Reconciliation Act of 1993 is that it will severely penalize our Nation's sailors, soldiers, airmen, and marines.

The overwhelming majority of private sector employees and Federal civil servants who make business-related moves are white collar professionals. Mr. President, these individuals were undoubtedly the target of the restrictions included in the Reconciliation Act on the types of moving expenses that may be deducted. Unfortunately, in the case of military personnel, the overwhelming majority of those who will be affected are the blue collar workers—the enlisted personnel who are the backbone of the military.

As a result of the Revenue Reconciliation Act, the travel allowances paid to a service member to offset the costs associated with a Government-ordered move will likely be deemed to be taxable, nearly doubling the service member's taxable income. In addition, the many junior enlisted personnel who normally file a 1040 EZ IRS form will probably now need to hire a tax accountant just to complete their tax returns for 1994.

Mr. President, the tax law change, passed by the Congress last year, has created great distress and considerable uncertainty for many military families. It is imperative that now the Congress rights this wrong, and finds a legislative or an administrative solution to the problem as expeditiously as possible in order to protect the morale and welfare of our Nation's young men and women in uniform.

Mr. President, let's listen to one who understands the needs of our enlisted service members, one who is cut from the same cloth; Adm. Jeremy "Mike" Boorda, the new Chief of Naval Operations. Admiral Boorda, rose from a 16-year-old seaman recruit to command surface ships, spent time in Washington as Chief of Naval Personnel, became NATO's commander for operations in Bosnia and Herzegovina, and made it to the top, as the Navy's top uniformed officer.

Mr. President, Senator PHIL GRAMM and I had a chance to discuss the severe impact of the Revenue Reconciliation Act on military service members and their families who are required to move in order to do our country's business with Admiral Boorda. Here is what Admiral Boorda had to say;

The bottom line for me is that these allowances are the governments's cost of doing business. If we didn't send people overseas to do the Nation's business they wouldn't need the money. They don't make money when they get these allowances. They use them to pay bills they wouldn't have to pay if we did not put them in the position of needing the money. Making them taxable simply does not make sense!

Mr. President, it is time that Congress bears the accountability for the hardship that we have imposed, needlessly, on those Americans who serve in our military and their families. Mr. President, it is for this reason that Senator PHIL GRAMM and I introduce this important and timely legislation today.•

By Mr. DASCHLE (for himself, Mr. CONRAD, Mr. DORGAN, Mr. DURENBERGER, Mr. EXON, Mr. GRASSLEY, Mr. HARKIN, Mr. KERREY, Mr. PRESSLER, and Mr. WELLSTONE):

S. 2099. A bill to establish the Northern Great Plains Rural Development Commission, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NORTHERN GREAT PLAINS RURAL DEVELOPMENT ACT

• Mr. DASCHLE. Mr. President, today I am introducing the Northern Great Plains Rural Development Act. This legislation will create a commission to study and make recommendations regarding the economic needs and development of the rural Northern Great Plains States of South Dakota, North Dakota, Nebraska, Iowa, and Minnesota. In addition, it will seek and encourage the participation of all interested citizens in the formulation of a 10-year rural economic development plan for the area.

The Northern Great Plains Rural Development Act creates a Commission with 10 members, 5 to be selected by the States with each Governor appointing 1 member, and 5 to be chosen by the Federal Government with the Secretary of Agriculture appointing 1 member from each of the 5 States. The Commission will hold hearings, conduct studies and determine the appropriate strategies for promoting development in the rural areas of the Northern Great Plains. The Commission must also determine the best structure(s) for the region to implement its findings, both with and without substantial Federal involvement. The Commission would be sunsetted after 2 years.

The Commission will involve in its deliberations not only all levels of government, but also nonprofit, business, financial, manufacturing, agricultural, and educational organizations and foundations as well as the general public. It is anticipated that these groups will contribute financial and in-kind resources to this initiative that will complement any appropriation necessary to fund the 2-year Commission.

This legislation addresses an issue of the utmost importance to the future of our region, and it is intended to provide results, not just produce another study to be placed on a shelf to collect dust.

Joining me as original cosponsors of the Northern Great Plains Rural Development Act are Senators PRESSLER, CONRAD, DORGAN, EXON, KERREY, HARKIN, GRASSLEY, WELLSTONE, and DURENBERGER. Each of us continues to confront problems separately in our own States that don't stop at our borders but are common to the Northern Plains. Only through a cooperative regional approach will we be able to most effectively meet the challenges of the 21st century.

The Northern Plains is primarily rural with a widely dispersed population. This demographic profile creates substantial obstacles to business and economic development.

This problem is aggravated by the outmigration of one of our most valuable resources, our young people. Increasingly our youth choose professions that take them outside of the area in search of employment. Many of those who remain are consigned to low-wage jobs, often working more than one job to support their families.

This is a particularly difficult period for the American family farmer. For over 100 years, the prairie offered people willing to work hard enough the opportunity to secure their own future from the land. The American farmer responded to this challenge and fed first the country and later the world. Today's young family farmers, however, face a set of natural and man made challenges that threaten this way of life. As the economics of farming changes, far too many face career options that force them to leave their home States.

The economy of the Northern Plains has been, and for the most part continues to be, dependent upon natural resources, particularly farming and ranching, but also mining and timber. The prosperity of these industries helped develop our region. Currently, however, they are under great stress as they struggle to meet the environmental and economic challenges of the 1990's and beyond.

I am confident that each of these traditional rural industries can and will adapt to changing times, but we must also recognize the benefits of diversification. Transitions in regional economies don't happen overnight. Careful analysis and planning are necessary prerequisites to the implementation of a strategy that will sustain the viability of our rural communities

by strengthening our traditional industries and promoting diversification into growing new sectors.

The Northern Great Plains is not without competitive advantages and assets. In the past, it has been penalized by its geography. The disadvantages created by its relative isolation from market centers have been difficult to address. However, the Clinton administration's National Information Infrastructure [NII], more commonly known as the information superhighway, holds more promise for rural States like South Dakota than anywhere else. It offers the potential to put our communities on a more level playing field with the traditional, urban centers of commerce, education and medicine.

The NII is the Missouri River of the 21st century for the Northern Great Plains. It will link our States to the international marketplace.

Our labor force in the Northern Great Plains possesses a work ethic not found in many parts of this country. This dedication is joined with the talent and proven skills necessary to succeed in competitive and growing fields. When that proven work ethic is combined with advanced telecommunications technology, the result will be solid development possibilities for our part of the country.

Mr. President, my colleagues and I offer a three point plan to address the economic problems of the Northern Great Plains. First, a regional Commission should be established to collect and analyze all relevant data. Second, that Commission will prepare a realistic rural development blueprint for action. And third, the States, working with community leaders throughout the region, will implement the projects and proposals identified by the Commission to improve our rural economies. The legislation we are introducing today, the Northern Great Plains Rural Development Act, will ignite this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Great Plains Rural Development Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the rural economy of the Northern Great Plains is undergoing a substantial and potentially threatening transformation;

(2) the rural Northern Great Plains suffers from substantial measurable poverty, unemployment, outmigration, underemployment, aging of the population, and low per capita income;

(3) the Northern Great Plains is highly rural and has a highly dispersed population, and contains many Native American reservations;

(4) many of the basic industries of the rural Northern Great Plains in natural resources are under stress;

(5) a concerted Federal, State, and local public and private effort is needed if the rural Northern Great Plains is to share in the general prosperity of the United States;

(6) the creation of jobs and expansion of existing businesses, including small businesses, offer the greatest hope for rural economic growth and revitalization in the Northern Great Plains;

(7) the availability of capital, technology, market information, infrastructure development, educational opportunities, health care, housing, recreational activities, and resource development are essential to successful business development in the rural Northern Great Plains;

(8) the transportation needs of the rural Northern Great Plains must be addressed through highway and bridge construction, air service availability, and rail service and river transport development;

(9) because of the social, geographic, weather, historical, and cultural ties of the rural Northern Great Plains as well as common economic problems, planning for this unique region is desirable and urgently needed; and

(10) in the rural Northern Great Plains, the tourism industry offers significant additional potential for supporting economic development and job growth, fostered by the wise stewardship of natural resources.

SEC. 3. PURPOSE.

The purpose of this Act is to establish the Northern Great Plains Development Commission to study and make recommendations regarding the economic needs and economic development of the rural Northern Great Plains by seeking and encouraging the participation of interested citizens, public officials, groups, agencies, businesses, and other entities in developing a 10-year rural economic development plan for the Northern Great Plains.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) CHAIRPERSON.—The term "chairperson" means the chairperson of the Commission.

(2) COMMISSION.—The term "Commission" means the Northern Great Plains Rural Development Commission.

(3) NORTHERN GREAT PLAINS.—The term "Northern Great Plains" means the States of North Dakota, South Dakota, Nebraska, Iowa, and Minnesota.

(4) STATE.—The term "State" means a State in the Northern Great Plains.

SEC. 5. ESTABLISHMENT.

There is established a Commission to be known as the "Northern Great Plains Rural Development Commission".

SEC. 6. MEMBERSHIP AND ORGANIZATION.

(a) MEMBERSHIP.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the Governor of each State; and

(2) 1 member shall be appointed by the Secretary of Agriculture from each of the States.

(b) TERM.—Each member of the Commission shall serve for such term as the official who appoints the member determines is appropriate.

(c) QUORUM.—Five members of the Commission shall constitute a quorum, but the Commission may establish that a lesser number shall constitute a quorum for the purpose of conducting hearings.

(d) MEETINGS.—

(1) FIRST MEETINGS.—Five or more members appointed under subsection (a)(1) shall determine the date, time, and place of the first meeting, and shall call the first meeting. At the first meeting, the members of the Commission shall appoint a chairperson from among the members appointed under subsection (a)(1). The first meeting of the Commission shall be held not later than 45 days after the date of enactment of this Act.

(2) ADDITIONAL MEETINGS.—The Commission shall conduct such additional meetings as the Commission determines are appropriate.

(e) APPOINTMENTS.—Each appointment under this Act shall be made not later than 30 days after the date of enactment of this Act.

(f) VACANCIES.—A vacancy on the Commission shall not affect the powers of the Commission and shall be filled in the same manner in which the original appointment was made.

(g) HEADQUARTERS.—The Commission shall establish the location for the headquarters of the Commission.

SEC. 7. DUTIES.

(a) PLAN.—The Commission shall identify and study the economic development, infrastructure, technology, telecommunications, capital, employment, transportation, business resource development, education, health care, housing, and recreation needs of the Northern Great Plains and develop a 10-year plan that makes recommendations and establishes priorities to address the needs.

(b) PREPARATION OF PLAN.—In developing the plan, the Commission shall, with respect to the Northern Great Plains—

(1) sponsor and conduct investigations, research studies, and field hearings;

(2) review and evaluate available research, studies, and information on conditions in the areas referred to in subsection (a);

(3) study the economy, identifying strengths, weaknesses, participation levels, opportunities, and methods of addressing outmigration;

(4) develop a profile of, and a description of resources devoted to, economic development (including tourism), human resources (including demographics, outmigration, poverty, Native Americans, education, and training), infrastructure (including air, water, highway, rail, and telecommunications), and natural resources;

(5) study and evaluate the economic development resources, coordination, collaboration, and "best practices" of the Federal, State, and local governments, nonprofit organizations, universities, businesses, agricultural and natural resources groups, foundations, cooperatives, and other organizations;

(6) identify methods of facilitating the employment and business startups of unemployed, underemployed, and low-income individuals and households;

(7) identify effective methods for promoting development on Native American reservations;

(8) study the availability of methods of delivering public, private, and nonprofit capital and technical assistance for business startups and expansions, including farming and ranching;

(9) evaluate the availability of, need for, and strategies for providing and maintaining, the infrastructure, including air, water, highway, rail, and telecommunications;

(10) study the structure and potential development of major industries, including agriculture, timber, mining, tourism, and manufacturing (including the use of advanced

technologies and processes and adding value to raw materials and component parts);

(11) study the competence and availability of the labor force, including the health, educational, training, housing, and economic needs of the labor force;

(12) develop an inventory of water, mineral, energy, timber, agricultural, fishery, wildlife, and other natural resources;

(13) assess the comparative cost of doing business;

(14) assess the international trading levels, markets, and practices, and potential opportunities;

(15) assess the interconnection between metropolitan and rural areas and identify methods through which the areas can collaborate;

(16) assess methods by which small communities and regions are collaborating or can collaborate in economic development initiatives;

(17) evaluate—

(A) the distribution and impact of Federal spending, including grant-in-aid programs, research, and Federal procurement, and compare the level of spending in these categories with spending in other regions of the country; and

(B) the extent to which reliance on Federal, State, and local government outlays for poverty programs can be reduced by outlays targeted for economic development;

(18) identify Federal, State, and local government programs, policies, and regulations that enhance or obstruct the development of businesses and well-paying jobs with long-term potential and that effectively use the skills, education, and training of the labor force;

(19) evaluate the potential for States to jointly finance projects and activities of regional benefit; and

(20) analyze such other issues as the Commission determines are relevant to future economic development.

(c) DEVELOPMENT OF PLAN.—In developing the plan, the Commission shall—

(1) provide a forum for the consideration of the problems of the rural Northern Great Plains and proposed solutions, and establish and utilize citizens groups, special advisory councils, public hearings, and conferences;

(2) seek and encourage the participation of interested citizens, public officials, groups, agencies, economic development organizations, natural resource organizations, and other organizations;

(3) make the Commission accessible to the individuals, groups, agencies, and organizations referred to in paragraph (2) by holding at least 1 well publicized public hearing in each State; and

(4) consult with—

(A) Federal, State, and local government agencies, including the Departments of Agriculture, Commerce, Education, Labor, Health and Human Services, Housing and Urban Development, and Transportation, and the Small Business Administration, bank regulatory agencies, and rural development councils;

(B) banks, insurance companies, venture capital companies, and other for-profit financial institutions;

(C) nonprofit and community-based development organizations, revolving loan funds, and other organizations;

(D) industry and sectoral organizations;

(E) foundations and universities; and

(F) other organizations involved in economic development activities.

SEC. 8. COMPENSATION OF MEMBERS.

(a) MEMBERS APPOINTED BY GOVERNORS.—Each member of the Commission appointed by a Governor of a State may be compensated by the State that the member represents.

(b) MEMBERS APPOINTED BY THE SECRETARY.—Each member appointed by the Secretary of Agriculture, who is not otherwise employed by the United States Government, shall receive compensation at a rate determined by the Secretary of not to exceed the daily equivalent of the lowest annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code, including travel-time, for each day the member is engaged in the actual performance of the duties of the Commission. A member of the Commission appointed by the Secretary who is an officer or employee of the United States Government shall serve without additional compensation.

(c) TRAVEL AND OTHER EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Commission. Each member of the Commission shall also be reimbursed by the United States Government for other necessary expenses incurred by the member in the performance of the duties of the member.

SEC. 9. POWERS AND ADMINISTRATIVE PROVISIONS.

(a) EXPERTS AND CONSULTANTS.—The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(b) FINANCIAL AND ADMINISTRATIVE SERVICES.—The Commission may enter into agreements with the Administrator of General Services for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as are agreed on by the chairperson and the Administrator of General Services.

(c) CONTRACTS.—Subject to subsection (d), the Commission may enter into contracts with Federal and State agencies and private firms, institutions, and agencies for the conduct of research and surveys, the preparation of reports, and other activities necessary to carry out the duties of the Commission.

(d) SUPPLIES, SERVICES, PROPERTY, AND CONTRACTS.—The Commission may procure supplies, services, and property, and make contracts in any fiscal year, only to such extent and in such amounts as are provided in appropriation Acts.

(e) HEARINGS.—The Commission or, on the authorization of the Commission, a member of the Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, memoranda, papers, and documents as the Commission or the member considers appropriate.

(f) INFORMATION.—The Commission may acquire directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act. Each department, bureau, agency, board, commission, office, establishment, or instrumentality shall provide, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Commission, upon request by the chairperson.

(g) PERSONNEL.—

(1) IN GENERAL.—Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the chairperson of the Commission may appoint, terminate, and fix the compensation of an Executive Director and such additional personnel as the chairperson determines are necessary to enable the Commission to carry out the duties of the Commission.

(2) COMPENSATION.—The rate of compensation of the Executive Director may not exceed a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title. The rate of compensation of all other personnel may not exceed a rate equal to the daily equivalent of the lowest annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of such title.

(h) ASSISTANCE FROM OTHER AGENCIES.—Upon request of the Commission, the head of any Federal agency may make any of the facilities and services of the agency available to the Commission or detail any of the personnel of the agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out the duties of the Commission under this Act. If the head of an agency determines that the agency cannot make the facilities, services, or personnel available to the Commission, the head shall notify the chairperson in writing.

(i) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 10. REPORTS.

(a) INTERIM REPORT.—Before the end of the 270-day period beginning on the date of the first meeting of the Commission under section 6(d)(1), the Commission shall submit a report to the Secretary of Agriculture, the President pro tempore of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Speaker of the House of Representatives, the Committee on Agriculture of the House of Representatives, the President, and the Governor of each State, describing the findings and activities of the Commission and the further activities necessary to carry out the duties of the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Before the end of the 18-month period beginning on the date of the first meeting of the Commission under section 6(d)(1), the Commission shall submit to the Secretary of Agriculture, the President pro tempore of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Speaker of the House of Representatives, the Committee on Agriculture of the House of Representatives, the President, and the Governor of each State, a report describing the findings and activities of the Commission and recommendations in accordance with paragraph (2) regarding specific actions that are necessary to promote the economic development of the rural Northern Great Plains while preserving, to the maximum extent possible, the natural beauty and habitat of the Northern Great Plains.

(2) RECOMMENDATIONS.—

(A) REGIONAL COLLABORATION.—The Commission shall, with respect to the Northern Great Plains—

(i) determine the most effective and appropriate method for ensuring continued collaboration within the region on economic development matters, considering regional compacts, cooperatives, foundations, development corporations, and other agreements and organizations;

(ii) identify the organizational structure, method of financing, functions, and participating organizations, of the collaboration referred to in clause (i);

(iii) identify methods of effective multicommunity, substate, and small region development; and

(iv) assess the interconnection between metropolitan and rural areas and identify methods of collaboration between the areas.

(B) BUSINESS DEVELOPMENT.—The Commission shall, with respect to the rural Northern Great Plains—

(i) recommend methods of diversifying the rural economy, including the development and financing of value-added and new-use agricultural products;

(ii) develop methods to promote and finance beginning owner-occupied farming and ranching operations;

(iii) recommend methods of promoting entrepreneurial development, including business startups and expansions;

(iv) recommend methods in which the public, private, and nonprofit sectors can help increase international trading levels and penetrate new markets in agricultural, manufactured, and service products;

(v) evaluate the potential utility of business and manufacturing networks in target sectors;

(vi) assess the competitiveness of manufacturers and the use of modern technology, processes, and information by the manufacturers, and methods of assisting manufacturers lacking the technology, processes, or information;

(vii) recommend methods in which capital and technical assistance can be provided on a regional or sectoral basis to business startups and expansions by public, private, and nonprofit organizations; and

(viii) recommend ways in which Federal and State resource conservation programs can be used to encourage tourism in the region.

(C) CAPITAL.—The Commission shall, with respect to the rural Northern Great Plains—

(i) determine if there are capital needs in the economy, and in what part of the economy the needs are located, and recommend how governmental, nonprofit, cooperative, community-based, microlending, banking, venture, seed, and nonbanking financing sources can assist in meeting the needs;

(ii) identify such strategies in organization, regulations, policy, marketing, and coordination as are needed to implement a plan to meet the needs referred to in clause (i); and

(iii) recommend methods of utilizing secondary financial markets to increase the capital available for business development.

(D) INFRASTRUCTURE.—The Commission shall, with respect to the rural Northern Great Plains—

(i) prepare a plan to preserve, finance, and operate effective freight railroad service in coordination with States, the Federal Railroad Administration, the Interstate Commerce Commission, rail operators, shippers, and the financial community;

(ii) prepare an assessment and agreement on the capital needs, coordination, and financing of telecommunications infrastructure, in cooperation with the Department of Agriculture, the National Telecommunications and Information Administration of the Department of Commerce, the Federal Communications Commission, the public utilities commission of each State, telephone companies and cooperatives, representative users, and such other entities as the Commission determines are appropriate; and

(iii) recommend strategies for addressing air, water, and highway needs.

(E) HUMAN RESOURCES.—The Commission shall, with respect to the rural Northern Great Plains—

(i) identify methods of facilitating the employment and business startups of individuals who are not effectively participating in the labor force, including unemployed, underemployed, and low-income individuals and households;

(ii) identify methods of coordinating on a regional or sectoral basis education and training programs that are tied to economic development initiatives, especially programs that address the outmigration of youth; and

(iii) study the competence and availability of the labor force and the effects of the health, educational, training, housing, and economic needs of the labor force, and identify regional strategies addressing the needs.

(F) GOVERNMENT PROGRAMS, POLICIES, AND REGULATIONS.—The Commission shall submit to the appropriate government, nonprofit, and private sector organizations recommendations for modifications or additions to the programs, policies, and regulations referred to in section 7(b)(18) to promote the rural development of the Northern Great Plains.

SEC. 11. TERMINATION.

The Commission shall terminate on the earlier of—

(1) 120 days after the date of submission of the final report under section 10; and

(2) 2 years after the date of enactment of this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

By Mr. BRADLEY:

S. 2101. A bill to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1994

● Mr. BRADLEY. Mr. President, I introduce new legislation to create new assurance that accidents involving pipelines and underground utilities won't occur. Every year, multiple fatalities and tens of millions of dollars worth of damage occur simply because people dig where they shouldn't. These third-party incidents are the single leading cause of accidents involving pipelines. According to the Department of Transportation, these accidents are responsible for over half of the fatalities and half of the property damage. My legislation, the Comprehensive One-Call Notification Act, will create a mechanism to prevent the inadvertent injury and the potential tragedy.

On March 23, just before midnight, an explosion ripped through the community of Durham Woods in Edison, NJ. Within minutes, eight apartment buildings were ablaze. Soon they were gone, wiped out by a fireball that lit up the sky over hundreds of square miles. One life was lost. Hundreds lost their homes. Many more were evacuated.

The injuries were miraculously low. But who knows how many others still lie awake at night, wondering whether it could happen again and fearing the future.

Reflecting on the accident today, it seems hard to fault anyone here for their response to the tragedy. The community pulled together to help out those in need. Food, emergency shelter, general support and financial assistance were offered amply and unconditionally in the hours and days following the accident.

Government and industry mobilized quickly. Within 4 hours of the explosion, Texas Eastern's accident response team was en route. By morning, the team and senior management were on the site, together with a strong Federal and State presence. Before the site had even cooled sufficiently for access, the experts from the NTSB were there and ready to begin the crucial investigation.

There was likewise an aggressive effort to help the victims. The local high school became a relief center. Texas Eastern created another center for help and, within 3 days, had dispensed more than $1.5 million to 250 families whose homes were destroyed or damaged in the fire. Within 3 days, the Small Business Administration had opened an assistance center on site and were handing out and processing applications for emergency support.

However, great as this response was, this is not what is most striking about this accident. What is most striking about the accident is how lucky we were. Who would ever think that, given the timing and the magnitude of the explosion, so many people—many fleeing with just the clothes they had on—would escape without serious injury? Few who have walked around that crater, seen the charred cars and the empty building foundations would disagree with the conclusion that many there were saved only by a miracle.

Unfortunately, miracles are a poor basis for public policy. You can't count on them. I am not about to count on them. The fact is that there is no margin for error in this industry. The natural gas industry does have an excellent safety record, especially when you consider that 25 percent of the energy we consume moves by these pipelines. We have seven major pipelines that cross the State, and hundreds of smaller ones. But the Edison accident never should have happened.

We need to acknowledge Edison for what it is: a breakdown in the regulatory and safety program. We need to learn about the Edison accident in

order to learn from it. When the National Transportation Safety Board testified before the Energy Committee last month, their analysis pointed nearly conclusively to multiple gouges on the pipeline as the probable cause of the disaster. These marks appeared to be due to some powerful machinery, such as a backhoe, that struck the pipeline repeatedly.

At this point, we don't know whether the damage was inadvertent or on purpose. We don't know who struck the pipeline or whether they might have been aware of the possibility. We do know, however, that there was no requirement of utility notification prior to the excavation. And we know that there is no penalty for digging in the vicinity of the pipeline without notifying the utility.

This is wrong, and represents a failure of public policy. At the hearing I held last month, every witness agreed that we need a few national program of utility notification. If someone is excavating or grading a site, there has to be proper notification and it has to be mandatory—not voluntary—without exceptions and with penalties for negligence or non-compliance. This program will be created by my legislation.

I'm drawn to a quote that appeared in the Asbury Park Press when the gas pipeline was put back in service Wednesday. One of the Durham Woods residents, Jim Waldron, was about his concerns and he said.

I believe logically that it's like lightning striking twice. But we know what we saw that night, and it will be in our minds forever.

Right now, the gas industry is making plans for a rapid expansion into new markets, particularly in the areas of natural gas vehicles and electric power production. Last week, representatives from the Department of Energy predicted that the gas market will expand be a third over the next 15 years. If accidents occur—regardless of who is at fault or how the industry follows up—this growth will not. It is that simple.

Mr. President, my legislation represents a necessary step if we are to do everything reasonable and appropriate to protect the public from the kind of tragedy that struck Edison. I urge the Senate to consider my legislation closely and approve it swiftly.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive One-Call Notification Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) since the 1950s, steadily increasing development of infrastructure has resulted in the construction of underground facilities throughout the United States, including water pipelines, natural gas pipelines, liquids pipelines, steam pipelines, telephone lines, electric lines, fiber optic lines, cable television lines, sewer pipelines, and dedicated traffic control, emergency communication, and alarm lines;

(2) these underground facilities offer a safe and economical means of providing essential services to the public;

(3) of all accidents involving these facilities, the largest number are caused by nearby excavation, demolition, or tunneling activities, known as third-party damage;

(4) accidents resulting from third-party damage present an unnecessary risk to public safety and the environment;

(5) costs arising from third-party damage are ultimately paid by consumers;

(6) in the case of interstate facilities, consumers in one State may pay for damages incurred in another State;

(7) to prevent third-party damage, the owners of some underground facilities have initiated one-call (or "call before you dig") programs, and some States have mandated one-call programs, although the scope and effectiveness of these programs is inconsistent;

(8) to maximize the effectiveness of one-call programs, national standards are needed;

(9) these standards should apply, without exception, to all excavation near any underground facilities; and

(10) these standards should produce one-call systems which are simple to use, with a single telephone number established which excavators must call to obtain information on the location of any type of underground facility anywhere in the United States.

SEC. 3. DEFINITIONS.

For purposes of this Act, the term—

(1) "damage" means any impact on or contact with an underground facility, its appurtenances, or its protective coating, or weakening of the support for the facility or protective housing, which requires repair;

(2) "excavation" means any operation in which earth, rock, or other material in the ground is moved, removed, or otherwise displaced by means of any tools, equipment, or explosive, and includes, without limitation, grading, boring, milling, trenching, tunneling, scraping, tree and root removal, cable or pipe plowing, pile driving, wrecking, razing, rending, or removing any structure or mass material, but shall not include the tilling of soil for agricultural purposes to a depth of 18 inches or less;

(3) "facility operator" means any person who owns or operates an underground facility, except for any person who is the owner of real property wherein are located underground facilities for the purpose of furnishing services or materials only to himself or occupants of such property;

(4) "Secretary" means the Secretary of Transportation; and

(5) "underground facility" means any underground line, system, or structure used for producing, gathering, storing, conveying, transmitting, or distributing communication, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam, sewerage, or any other commodities the Secretary of Commerce determines to be similar and appropriate.

SEC. 4. NATIONWIDE DEDICATED NUMBER.

Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall establish a nationwide dedicated telephone number to be used by local or regional underground facility location services and by one-call systems established pursuant to this Act.

SEC. 5. ESTABLISHMENT OF STATE ONE-CALL SYSTEMS.

(a) REQUIREMENT.—Each State shall, within 3 years after the date of enactment of this Act, establish a comprehensive statewide one-call notification system, in accordance with this Act, to protect all underground facilities from damage due to any excavation.

(b) STATE SANCTIONS FOR NONPARTICIPATION.—The Secretary may impose a prohibition, applicable to a State that does not comply with subsection (a), on the approval by the Secretary of any projects or the awarding by the Secretary of any grants under title 23, United States Code, other than projects or grants for safety where the Secretary determines, based on accident or other appropriate data submitted by the State, that the principal purpose of the project is an improvement in safety to resolve a demonstrated safety problem and likely will result in a significant reduction in, or avoidance of, accidents.

SEC. 6. ELEMENTS OF SYSTEM.

Each State one-call system established under section 5(a) shall—

(1) have a designated system operator;

(2) operate in all areas of the State containing underground facilities;

(3) apply to all excavations and to all underground facility operators, except as provided by this Act;

(4) employ mechanisms, such as the issuance of excavation or building permits, to ensure that the general public, and in particular all excavators, are aware of the one-call telephone number and the requirements and penalties of the State system relating to excavations;

(5) require that any person conducting an excavation must contact the one-call system at least 3 business days, and not more than 10 business days, before excavation begins;

(6) receive and record appropriate information from excavators about intended excavations, including—

(A) the name of the person contacting the one-call system;

(B) the name, address, and telephone number of the excavator; and

(C) the specific location of the intended excavation, along with the starting date thereof and a description of the intended excavation activity;

(7) inform excavators of the identity of facility operators who will be notified of the intended excavation;

(8) inform excavators of any procedures that the State has determined must be followed when excavating;

(9) inform facility operators of any intended excavations that may be in the vicinity of their underground facilities;

(10) require facility operators to locate and mark, in accordance with standards established by the State, their underground facilities in the vicinity of an intended excavation within no more than 3 business days after notification of such intended excavation, and to supervise such excavation as necessary;

(11) provide for penalties and enforcement as described in section 7;

(12) maintain records on each notice of intent to excavate for at least 7 years;

(13) establish procedures to promote the timely acquisition of information on previously unknown underground facility locations;

(14) provide for an appropriate waiver of timely compliance with system require-

ments in emergency circumstances in which public safety is endangered, as long as the one-call system is notified at the earliest practicable time;

(15) establish an appropriate schedule of fees to be imposed on facility operators to cover the costs of establishing, maintaining, and operating the one-call system; and

(16) provide an opportunity for citizen suits to enforce the requirements of this section.

SEC. 7. PENALTIES AND ENFORCEMENT.

(a) GENERAL PENALTIES.—Each State one-call system established under section 5(a) shall provide that any excavator or facility operator who violates the requirements of the system shall be liable for a civil penalty of not more than $25,000 for each violation for each day that violation persists, except that the maximum civil penalty shall not exceed $500,000 for any related series of violations and the minimum civil penalty for a violation shall be not less than $250.

(b) INCREASED PENALTIES.—If a violation results in damage to an underground facility resulting in death, serious bodily harm, or actual damage to property exceeding $50,000, or damage to an underground hazardous liquid pipeline facility resulting in the release of more than 50 barrels of product, the penalties may be increased, and an additional penalty of imprisonment may be assessed.

(c) DECREASED PENALTIES.—A State one-call system may provide for reduced penalties for a violation, that results in or could result in damage, that is promptly reported by the violator.

(d) INJUNCTIVE RELIEF.—Each State one-call system shall provide for appropriate injunctive relief.

(e) REVOCATION OF LICENSE.—Each State one-call system shall include procedures for the revocation of a license or permit to do business of any excavator determined to be a habitual violator of the requirements of the system.

(f) IMMEDIATE CITATION OF VIOLATIONS.—A State one-call system may include procedures for issuing a citation of violation at the site and time of the violation.

SEC. 8. ASSISTANCE OF DEPARTMENT OF TRANSPORTATION IN DEVELOPMENT OF SYSTEMS.

(a) COORDINATION WITH OTHER RESPONSIBILITIES.—The Secretary shall coordinate the implementation of this Act with the implementation of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.) and the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.).

(b) MODEL PROGRAM.—Within 1 year after the date of enactment of this Act, the Office of Pipeline Safety of the Department of Transportation shall draft and make available to States a model one-call system program, along with such additional guidance as the Secretary considers appropriate, to assist the States in complying with this Act. Such model program may be amended in response to reports submitted by the States pursuant to section 10.

(c) PUBLIC EDUCATION.—The Secretary shall develop public service announcements to be broadcast or published to educate the public about one-call notification systems, including the national phone number.

SEC. 9. ALTERNATE FORM OF SYSTEM.

A State that wishes to establish or maintain a one-call system that differs from the requirements of this Act may petition the Secretary for approval of such system. The Secretary shall approve such a petition if the proposed system is at least as protective of the public health and safety as a system described in this Act.

SEC. 10. STATE REPORTS.

Within 54 months after the date of enactment of this Act, each State shall report to Congress and the Secretary on the status of their one-call notification system and its requirements. The report shall contain data on the operation and effectiveness of the one-call system including—

(1) the status of its law establishing the one-call system;

(2) the number of notification requests received annually;

(3) the effectiveness of the method of underground facility marking required;

(4) the degree of excavator compliance;

(5) the number of incidents where underground facilities were damaged and the type of damage to such facilities;

(6) the number of deaths and injuries and the estimate amount of property loss resulting from damage to underground facilities;

(7) the extent to which all underground facilities participate; and

(8) any other information that the Secretary determines relevant.

THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1994

While all but four states have some kind of one-call program, there is wide variation in the programs, their requirements and coverage. Senator Bill Bradley's Comprehensive One-Call legislation will create a uniform and workable framework for the prevention of third-party accidents and damage to underground utilities.

These accidents are the leading cause of damage to utilities, including natural gas pipelines. All available evidence indicates that third-party damage led to the tragic accident at Edison, New Jersey, which left hundreds homeless and resulted in one death.

Companion legislation is being introduced in the House of Representatives by Congressman Frank Pallone.

The Comprehensive One-Call Notification Act of 1994 will: establish a dedicated nationwide number (such as "911") for use by state one-call systems; require each state to establish a one-call program meeting the minimum requirements in the Act within three years; allow federal transportation grants to be withheld, if a state fails to sponsor an effective one-call program; engage in a campaign of public awareness to ensure a general and broad familiarity with one-call programs and their importance; cover all excavation, except shallow digging (i.e. the tilling of soil in farming); cover all underground utilities, including natural gas and oil pipelines, electricity, telecommunications, water and sewer; require excavators to call at least three days prior to digging; require utility companies to mark any affected lines prior to excavation; set penalties for non-compliance by excavators of at least $250 and as much as $25,000 per violation per day; allow states to set increased penalties, including imprisonment, for violations that lead to accidents which result in serious property damage or injury; allow states to revoke licenses for multiple offenders or issue immediate fines (similar to a parking ticket) when a violation occurs; allow the states to reduce penalties for violators who promptly report an incident and, as a result, avoid a possible accident; allow the states to appeal for an alternative system, if it can be shown that another approach will be just as protective of the public; call on the federal government to make available a model state law and additional guidance within one year; and create a series of reports on the effectiveness of the program, compliance, the number and type of violations, etc.●

ADDITIONAL COSPONSORS

S. 987

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 987, a bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936.

S. 1063

At the request of Mr. HATCH, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1521

At the request of Mr. GORTON, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kansas [Mr. DOLE], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1521, a bill to reauthorize and amend the Endangered Species Act of 1973 to improve and protect the integrity of the programs of such act for the conservation of threatened and endangered species, to ensure balanced consideration of all impacts of decisions implementing such act, to provide for equitable treatment of non-Federal persons and Federal agencies under such act, to encourage non-Federal persons to contribute voluntarily to species conservation, and for other purposes.

S. 1696

At the request of Mr. HATFIELD, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1696, a bill to amend the Military Selective Service Act to terminate the registration requirement and to terminate the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System.

S. 1829

At the request of Mr. HATCH, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1829, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1884

At the request of Mr. SIMPSON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1884, a bill to amend the Immigration and Nationality Act to reform asylum procedures, to strengthen criminal penalties for the smuggling of aliens, and to reform other procedures

to control illegal immigration to the United States.

S. 1920

At the request of Mr. DOMENICI, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1920, a bill to amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"] to ensure the safety of public water systems, and for other purposes.

S. 1991

At the request of Mr. MCCAIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1991, a bill to provide for the safety of journeyman boxers, and for other purposes.

S. 2006

At the request of Mr. DOLE, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from South Carolina [Mr. THURMOND], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 2006, a bill to require Federal agencies to prepare private property taking impact analyses, and for other purposes.

S. 2073

At the request of Mr. SMITH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 2073, a bill to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse," and for other purposes.

SENATE JOINT RESOLUTION 176

At the request of Mr. PRYOR, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Alaska [Mr. STEVENS], the Senator from California [Mrs. FEINSTEIN], the Senator from Wisconsin [Mr. KOHL], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the month of May 1994 as "Older Americans Month."

SENATE JOINT RESOLUTION 179

At the request of Mr. COHEN, his name was added as a cosponsor of Senate Joint Resolution 179, a joint resolution to designate the week of June 12 through 19, 1994, as "National Men's Health Week."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

SENATE CONCURRENT RESOLUTION 64

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Concurrent Resolution 64, a concurrent resolution expressing the sense of the Congress regarding the Guatemalan peace process and the need for greater protection of human rights in Guatemala.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

SENATE RESOLUTION 212—RELATIVE TO A COMMEMORATIVE POSTAGE STAMP HONORING PAUL "BEAR" BRYANT

Mr. HEFLIN (for himself, Mr. SHELBY, Mr. FORD, Mr. BUMPERS, Mr. GRAMM, Mr. PRYOR, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 212

Whereas eleven years after his death, Paul "Bear" Bryant retains the record of being the most successful coach in Division-A college football history;

Whereas Paul "Bear" Bryant's accomplishments were a source of great pride to the University of Alabama and the Nation;

Whereas Paul "Bear" Bryant's example has profoundly influenced many professional and collegiate coaches and players; and

Whereas Paul "Bear" Bryant is a modern hero and legend in the South: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that a postage stamp be issued honoring coach Paul "Bear" Bryant.

AMENDMENTS SUBMITTED

BOSNIA AND HERZEGOVINA ARMS ACT OF 1994

DOLE AMENDMENT NO. 1692

Mr. DOLE proposed an amendment to the bill (S. 2042) to remove the United States arms embargo of the Government of Bosnia and Herzegovina; as follows

Strike all after the enacting clause and insert the following:

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

DOLE AMENDMENT NO. 1693

Mr. DOLE proposed an amendment to amendment No. 1692 proposed by him to the bill S. 2042, supra; as follows:

At the appropriate place, add the following:

SEC. . UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(b) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

DOLE (AND OTHERS) AMENDMENT NO. 1694

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. MACK, Mr. LUGAR, Mr. LEVIN, Mr. MCCAIN, Mr. HATCH, Mr.

FEINGOLD, Mr. DORGAN, Mr. MCCONNELL, Mr. HELMS, Mr. SIMPSON, Mr. COVERDELL, Mr. DECONCINI, Mr. GORTON, Mr. KEMPTHORNE, Mr. D'AMATO, Mr. PRESSLER, Mr. ROTH, Mr. BROWN, Mrs. HUTCHISON, Mr. WALLOP, Mr. BRADLEY, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. ROBB, Mr. STEVENS, Mr. THURMOND, Mr. PACKWOOD, Mr. REID, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. MURKOWSKI) proposed an amendment to amendment No. 1693 proposed by Mr. DOLE to the bill S. 2042, supra; as follows:

Strike all after the word "**SEC.**" and insert the following:

UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of arms to the Government of Bosnia and Herzegovina.

(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed. Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

DOLE (AND OTHERS) AMENDMENT NO. 1695

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. MACK, Mr. LUGAR, Mr. LEVIN, Mr. MCCAIN, Mr. HATCH, Mr. FEINGOLD, Mr. DORGAN, Mr. MCCONNELL, Mr. HELMS, Mr. SIMPSON, Mr. COVERDELL, Mr. DECONCINI, Mr. GORTON, Mr. KEMPTHORNE, Mr. D'AMATO, Mr. PRESSLER, Mr. ROTH, Mr. BROWN, Mrs. HUTCHISON, Mr. WALLOP, Mr. BRADLEY, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. ROBB, Mr. STEVENS, Mr. THURMOND, Mr. PACKWOOD, Mr. REID, Mr. JEFFORDS, Mr. CAMPBELL, and Mr. MURKOWSKI) proposed an amendment to the bill S. 2042, supra; as follows:

At the appropriate place insert the following:

UNITED STATES ARMS EMBARGO OF THE GOVERNMENT OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—Neither the President nor any other member of the Executive Branch of the United States Government shall interfere with the transfer of conventional arms appropriate to the self-defense needs of the Government of Bosnia and Herzegovina.

(b) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina upon receipt from that government of a request for assistance in exercising its right of self-defense under Article 51 of the United Nations Charter.

(c) DEFINITION.—As used in this section, the term 'United States arms embargo of the Government of Bosnia and Herzegovina' means the application to the Government of Bosnia and Herzegovina of—

(1) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 Fed Reg. 33322) under the heading 'Suspension of Munitions Export Licenses to Yugoslavia'; and

(2) any similar policy being applied by the United States Government as of the date of receipt of the request described in subsection (a) pursuant to which approval is routinely denied for transfers of defense articles and defense services to the former Yugoslavia.

(d) Nothing in this section shall be interpreted as authorization for deployment of U.S. forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment.

MITCHELL (AND OTHERS) AMENDMENT NO. 1696

Mr. MITCHELL (for himself, Mr. PELL, Mr. NUNN, and Mr. BUMPERS) proposed an amendment to the bill S. 2042, supra; as follows:

At the appropriate place insert the following:

(a) PURPOSE.—To approve and authorize the use of United States airpower to implement the North Atlantic Treaty Organization (NATO) exclusion zones around United Nations designated safe areas in Bosnia and Herzegovina and to protect United Nations forces.

(b) FINDINGS.—The Congress makes the following findings:

(1) the war in the Republic of Bosnia and Herzegovina has claimed tens of thousands of lives and displaced more than two million citizens;

(2) the Senate supports as a policy objective a peace settlement that provides for an economically, politically and militarily viable Bosnian state, capable of exercising its rights under the United Nations Charter;

(3) United Nations Security Council Resolutions 836 and 844 call on member states, acting nationally or through regional organizations, to take all necessary measures to deter attacks against safe areas identified in Security Council resolution 824.

(4) On February 9, 1994 the North Atlantic Council authorized the use of air strikes to end the siege of Sarajevo and on April 22, 1994 to end the siege of Gorazde and to respond to attacks on the safe areas of Bihac, Srebrenica, Tuzla or Zepa or to the threatening presence of heavy weapons within a radius of 20 kilometers of those areas (within Bosnia and Herzegovina);

(5) The Congress in the FY 1994 State Department Authorization bill expressed its sense that the President should terminate the United States arms embargo on the Government of Bosnia and Herzegovina.

(c) POLICY.—

(1) The Senate authorizes and approves the decision by the President to join with our NATO allies in implementing the North Atlantic Council decisions:

(A) of June 10, 1993 to support and protect UNPROFOR forces in and around U.N. designated safe areas and,

(B) of February 9, 1994 to use NATO's airpower in the Sarajevo region of Bosnia and Herzegovina and,

(C) of April 22, 1994 to authorize CINCSOUTH to conduct air strikes against Bosnian Serb heavy weapons and other military targets within a 20 kilometers radius of the center of Gorazde, and Bihac, Srebrenica, Tuzla or Zepa (within the territory of Bosnia and Herzegovina) if these safe areas are attacked or threatened by Bosnian Serb heavy weapons.

(2) The Congress favors the termination of the arms embargo against the Government of Bosnia and Herzegovina. The President shall seek immediately the agreement of NATO allies to terminate the international arms embargo on the Government of Bosnia and Herzegovina. In accordance with Administration policy following such consultations the President or his representative shall promptly propose or support a resolution in the United Nations Security Council to terminate the international arms embargo on Bosnia and Herzegovina. If the Security Council fails to pass such a resolution the President shall within 5 days consult with Congress regarding unilateral termination of the arms embargo on the Government of Bosnia and Herzegovina. Upon termination of the international embargo the President shall ensure that appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from that government of such a request in exercising its right of self-defense.

(3) Unless previously authorized by the Congress no United States ground combat forces should be deployed in Bosnia and Herzegovina. Any request by the President for such authorization should include:

(A) an explanation of the United States interests involved in such commitments or actions;

(B) the specific objectives of the commitments or actions;

(C) the likely duration of the operation;

(D) the size, composition, command and control arrangements, rules of engagement, contributions of allied nations, and other details of the force needed to meet the objectives;

(E) specific measurements of success, particularly the end point of the U.S. involvement, and what follow-on security arrangements would be needed; and

(F) an estimate of financial costs, including burdensharing arrangements, and non-financial costs as can be determined.

(4) Nothing in this legislation restricts the prerogative of Congress to review the arms embargo on Bosnia and Herzegovina.

NOTICES OF HEARINGS

JOINT COMMITTEE ON PRINTING

Mr. FORD. Mr. President, I wish to announce that the Joint Committee on Printing will meet at 2:30 p.m., in S–324, the Capitol, on Thursday, May 12, 1994. The committee will hold a hearing on the financial position of the Government Printing Office and may consider several resolutions to deal with the projected shortfall. The Public Printer, Michael F. DiMario will be a witness. Those interested in submitting state-

ments or seeking additional information should contact John Chambers of the joint committee staff at 202–224–5241.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry's Subcommittee on Nutrition and Investigations will hold a hearing on S. 1614, the Better Nutrition and Health for Children Act of 1993. The hearing will be held on Tuesday, May 17, 1994 at 10 a.m. in SR–332. Senator TOM HARKIN will preside

For further information, please contact Mark Halverson at 224–3254.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Production and Stabilization of Prices will hold a hearing on the administration's crop insurance proposal. The hearing will be held on Thursday, May 19, 1994, at 10 a.m. in SR–332. Senator DAVID PRYOR will preside.

For further information, please contact Bobby Franklin at 224–2353.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that two additional bills have been added to the hearing previously announced for May 19, 1994, before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources. The additional measures are:

S. 523, to expand the Fort Necessity National Battlefield, and for other purposes; and

S. 2089, to authorize the establishment of the Steamtown National Historic Site, and for other purposes.

In addition, the subcommittee will consider the following Senate companion measures to H.R. 3252, the West Virginia Rivers Conservation Act, which includes provisions dealing with various units of the National Park System:

S. 796, to provide for a feasibility study of including Revere Beach in the National Park System;

S. 1278, to authorize the Secretary of the Interior to acquire and to convey certain lands or interests in lands to improve the management, protection, and administration of Colonial National Historical Park, and for other purposes;

S. 1652, to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System, and for other purposes; and

Senate Joint Resolution 152, to designate the visitors center at the Channel Islands National Park, CA, as the "Robert J. Lagomarsino Visitors Center."

The hearing will take place on Thursday, May 19, beginning at 2 p.m. in room SD–366 on the Dirksen Senate Office Building in Washington, DC.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at 202–224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 10, 1994, immediately following the 2:30 p.m. nomination hearing on Alan Sagner to be members of the Corporation for Public Broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 10, 1994, at 2:30 p.m. on Susan Ness and Rachelle Chong to be a member of the Federal Communications Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., May 10, 1994, to receive testimony on implementation of the administration's climate change action plan and the Energy Policy Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, May 10, 1994 at 10 a.m., to hear testimony on the subject of deinstitutionalization, mental illness, and medications.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, May 10, at 10 a.m. for a hearing on: health care reform and FEHBP.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES.

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on "Keeping Kids Safe," during the session of the Senate on May 10, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FORD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 10, 1994, at 10 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISABILITY POLICY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Disability Policy be authorized to meet for a hearing on family support for families of children with disabilities, during the session of the Senate on May 10, 1994, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Force Requirements and Personnel of the Committee on Armed Services be authorized to meet on Tuesday, May 10, 1994, at 9:30 a.m. in open session, to receive testimony regarding the Department of Defense reserve manpower, personnel, and compensation issues related to the national defense authorization request for fiscal year 1995 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., May 10, 1994, to receive testimony on the potential role of Federal reclamation projects in meeting the water supply needs of the Colonias in Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO THE GENERAL ELECTRIC ELFUN SOCIETY AND GENERAL ELECTRIC FOUNDATION

• Mr. DODD. Mr. President, I rise today to congratulate and honor two organizations that have distinguished themselves by jointly becoming one of only 21 recipients nationwide of the 1994 President's Volunteer Action Award. These two organizations, based in my home State, are not only sources of pride for Connecticut, but for the entire United States of America. The organizations to which I am referring are

the General Electric Elfun Society and the General Electric Foundation.

The GE Elfun Society is a volunteer organization of GE employees and retirees, and the GE Foundation is a trust established to provide grants to nonprofit organizations. Together, they established the College Bound Program to promote systemic change in poor, inner-city schools and to increase the number of youths from these schools continuing on to higher education.

The College Bound Program represents a $20 million commitment to double the number of college-bound students from selected poor and inner-city schools by the year 2000. The GE Foundation provides multiyear grants of up to $1 million to achieve that goal, while local chapters of the Elfun Society provide a cadre of volunteers to serve as tutors, mentors, and friends to high school students.

Since 1989, 12 schools have participated in the College Bound Program and have developed 3- to 5-year plans to double the number of college entrants. These 12 programs are made possible through the work of more than 2,000 GE volunteers, whose efforts have yielded some staggering results.

At Aiken High School in Cincinnati, OH, the college matriculation rate has jumped from 23 to 47 percent in just 5 years. At Western High in Louisville, KY, the rate went from 25 to 59 percent, and at Valley High in Albuquerque, MN, the rate has increased from 22 to 57 percent, far exceeding the goal of doubling the number of college entrants.

As you know, Mr. President, I have joined a number of my colleagues in working to make college a realistic option for all of America's youths, regardless of their home environment or financial situation. We have seen progress, but significant progress cannot be made by the Government alone. To truly ensure a better future for all of America's children, we need the helping hands of communities and the organizations found within them.

The GE Society and the GE Foundation are excellent examples of these helping hands. And through their efforts, hundreds of young lives have been significantly brightened. For that, we should all be grateful.●

SUPPORTING THE KRUEGER NOMINATION

● Mr. DURENBERGER. Mr. President, I rise to support the recent confirmation of Robert Charles Krueger to be Ambassador to Burundi. Senator Krueger is exceptionally well qualified to represent the United States in that African nation.

He is a Shakespeare scholar, a businessman and rancher, a former Member of the House of Representatives and the Senate of the United States, and a former Ambassador-at-large during the Carter administration.

He is a true Renaissance man, combining scholarship with those practical qualities necessary for success in the world of business and commerce. But above all, he has served his country very well in public life.

Robert Krueger was born in New Braunfels, TX, during the depths of the depression. He graduated from Southern Methodist University in 1957, where he was elected to Phi Beta Kappa. He holds advanced degrees from both Duke University and Oxford University.

In 1961, Robert Krueger returned from Oxford to teach English literature at Duke University. While at Duke, he redesigned the undergraduate curriculum, and at the age of 36 was appointed dean of arts and sciences by Terry Sanford, then president of Duke University and former Governor of North Carolina.

Robert Krueger returned to his home State of Texas in 1973, upon the death of his father, to oversee the family businesses and to run for Congress. In 1974, he was elected to the House of Representatives, and was reelected in 1976. While in Congress he established an impressive record, especially in the field of energy and natural resources.

In 1978, he left the House to run for the U.S. Senate. He missed narrowly—losing to our late colleague John G. Tower by fewer than 12,000 votes.

Robert Krueger is far from a novice in the world of foreign diplomacy. During the Carter administration, he was appointed Ambassador-at-large, and coordinator for Mexican affairs. He served in this position from 1978 to 1981, when he returned once again to Texas and to the business world.

Robert Krueger's dedication to public service has been constant. In 1990, he was elected to the Texas State railroad commission. When our former colleague Lloyd Bentsen was selected to serve in the Clinton administration as Secretary of the Treasury, Robert Krueger was appointed by the Governor of Texas to fill the Senate vacancy until a special election could be held. He served with us for only a short period of time, but his presence was felt by all who had a chance to work with him.

He has now been asked again to serve his country, and his appointment comes at a crucial time in the development of Burundi.

After many years of military dictatorships, in March 1992 the people of Burundi approved a democratic constitution by an overwhelming 9 to 1 margin. In order to stand for election as president under the new constitution, Buyoya resigned from the military. His main opponent in the election was Melchoir Ndadaye, a Hutu with a background in banking.

In June 1993, 2.8 million voters went to the polls and elected Melchoir Ndadaye president in the country's first ever multiparty elections. Buyoya accepted his defeat gracefully, and is now leading a freedom foundation to encourage economic development in Burundi.

Then tragedy struck. On October 21, 1993, I came to the floor of the Senate to express my shock and dismay at events that had just occurred that morning in Burundi. Elements of the Burundian army had staged a military coup, and murdered President Ndadaye. This tragic action motivated ethnic attacks throughout the country, killing thousands of Burundians. As a result of this turmoil, approximately one-tenth of the population of Burundi had fled to neighboring Rwanda, Tanzania, and Zaire.

But within this tragedy there is reason for hope. The people of Burundi did not permit factions within the military to rob the nation of democracy. The military was unable to consolidate its power. The people of Burundi—Tutsi and Hutu—together with the international community, condemned this action, and the coup failed.

Since the tragic events of last fall, Burundi has continued its journey along the path of democracy and national unity. More recently, the tragic deaths of the new President of Burundi, Cyprien Ntarymira, and the President of Rwanda has led to a violent and bloody crisis in Rwanda. To the credit of the people of Burundi, this crisis has not spread, as yet, to Burundi.

However, the situation in Burundi remains fragile, and for that reason, I am very pleased that an individual of the stature of Robert Krueger will be representing the United States in Burundi during this difficult period in that region of Africa.

I am certain that Robert Krueger—in the position of Ambassador to Burundi—will represent America well, and will serve as an inspiration to those in Burundi who want that country to remain a free and democratic nation. My thoughts and prayers go with Robert Krueger, his wife Kathleen and his two daughters, Mariana and Sarah, as they undertake this very important posting.●

IN HONOR OF RETIRING MARYLAND STATE SENATOR FREDERICK C. MALKUS, JR.

● Ms. MIKULSKI. Mr. President, I rise today to honor Maryland Senator Frederick C. Malkus, Jr. on the occasion of his retirement. Senator Malkus has served in the Maryland State Legislature for 48 years.

I have known Senator Malkus for some time, and I know that his presence in Maryland politics will be sorely missed. He showed me what life on the Eastern Shore was all about. He let me know what people in his district needed and what their interests were. He

taught me what a wetland was, which I will never forget. I was privileged to receive his endorsement in my Senate reelection campaign.

Senator Malkus has contributed a lifetime of service to our great State of Maryland. He was born in Baltimore and raised in Dorchester County on Maryland's Eastern Shore. He attended Western Maryland College and the University of Maryland School of Law. After nobly serving his country through five campaigns in World War II, Senator Malkus returned to Maryland to make a home in his native Dorchester County. He then set about serving the county and State which had served him as a young man growing up.

Senator Malkus was elected to the House of Delegates in 1946 and then to the Maryland Senate in 1950. He actively worked on behalf of the Eastern Shore, joining in the opening of the Chesapeake Bay Bridge and helping to establish the Potomac River Compact with Virginia.

Senator Malkus was appointed chairman of the Senate Judicial Proceedings Committee in 1955, named State Office of the Year by the Maryland Municipal League in 1961, and named admiral of the Chesapeake Bay by Governor Harry Hughes in 1983. He was honored in 1987 by the naming of a bridge across the Choptank River as the Frederick C. Malkus, Jr. Bridge.

Senator Malkus has been a friend of Dorchester County, the Chesapeake Bay, Western Maryland College, the State of Maryland, and a good friend of mine for may years. It is with great honor that I stand on the Senate floor to recognize his outstanding commitment and dedication to the people of Dorchester County and the State of Maryland.●

TRIBUTE TO MICHAEL ALOUCHE

● Mr. REID. Mr. President, I would like to make the Senate aware of an individual who exemplifies the true spirit of a "world ambassador" for peace.

Michael Alouche was born in Tunisia in 1947 and emigrated to Israel with his family in 1956. His father was a journalist and writer. His mother was a housewife who raised 14 children. The family left most of their belongings behind and went through the many hardships experienced by emigrants to Israel at that time. This included living in tents, learning a new language, and making new friends.

Michael Alouche went through all those difficulties with courage and optimism. He always felt that living in Israel was worth even greater sacrifices. After finishing high school, he joined the Israeli Defense Forces to perform his national service. He decided to stay in the service and become a career noncommissioned officer.

He served on the same base for 27 years and rose through the ranks to become a senior sergeant major, the highest possible enlisted rank. During his last 12 years of service, Sgt. Alouche was given a special assignment: leader and guide to groups of volunteers who came to help Israel and its people. These volunteers come to Israel through the Sar-El organization which is the National Project for Volunteers for Israel. This process increases the bond between the people of Israel and their supporters abroad.

During his 12 years of association with this program, Michael Alouche provided guidance to about 6,000 volunteers. Approximately 4,500 of those people were from the United States.

His knowledge of Jewish history and tradition, Israeli geography, and current affairs, along with his friendly approach to people, made him one of the best guides in the program. His empathy with foreigners showed his humane character. His phenomenal memory and continuing correspondence with hundreds of volunteers made him an ambassador to the world, while never leaving Israel.

Michael Alouche deserves our highest possible praise and recognition for his part in bringing about international friendship and understanding.●

RETIREMENT OF SENATOR FREDERICK C. MALKUS, JR.

● Mr. SARBANES. Mr. President, for 48 years Frederick C. Malkus, Jr. has represented a major part of Maryland's Eastern Shore in the State legislature with integrity, vigor, and a concern for his constituents that has made him one of the longest-serving state legislators in the Nation. Senator Malkus, after 4 years in the House of Delegates and a remarkable 44 years in the Maryland State Senate, including service as chairman of the judicial proceedings committee and as President pro tempore since 1975, is retiring from Annapolis.

It was my privilege to know and work with Senator Fred Malkus when we served together in the general assembly from 1971 through 1975. Throughout his distinguished career, which began on his return from overseas service in World War II, Fred Malkus has earned the respect of his legislative colleagues and become, as the Washington Post called him, "an icon" in Maryland's legislature. However, he has remained, in the words of Maryland Comptroller Louis Goldstein, with whom Fred Malkus roomed in law school, "a man of the soil and water," not only a lawyer and legislator but also an Eastern Shore hunter, trapper, and farmer.

Mr. President, when an individual serves so long with so much distinction in public office, much is said and written about them when they retire. Since announcing his decision earlier this year he has received many tributes and honors, and will again this Sunday when the Dorchester County Democratic State Central Committee holds a tribute in his honor. I ask that two articles from newspapers in Cambridge and Easton recalling the public service of my friend Senator Frederick Malkus be reprinted in the RECORD at this point.

[From the Daily Banner, Apr. 22, 1993

"I HAVE ALWAYS BEEN THE HAPPIEST WHEN THE BATTLE BECAME THE HOTTEST"

(By Anne Hughes)

In the small brick box of an office on Spring Street in Cambridge, the aging state senator stands before a black and white photo of a handsome young man in Army grey.

This was Frederick C. Malkus Jr., the soldier who would return from battle in World War II to become one of the most powerful men on the Eastern Shore, who would take his place in the Maryland General Assembly representing his native Dorchester County and other Shore counties and remain there longer than any other member of the state's legislature.

A graduate of Western Maryland College and the University of Maryland Law School, he would make his living practicing law—but politics would be his passion.

Politics is as much a part of the man as his pulse—something that will remain with him after he completes his final term in the Maryland Senate in April of 1994.

In his more than 45 years in the General Assembly, Mr. Malkus would hold power in his hands then slowly watch it erode as reapportionment gave legislative seats to the metropolitan areas at the expense of the rural area.

He would gain the reputation of being a fierce debater who rarely forgot his foes' foibles and wasn't afraid to recall them on the floor of the Senate. Through the years, through the heated debates, Mr. Malkus said he always listened to his constituents—the watermen, the farmers, the residents of the Eastern Shore—and fought vigorously for their rights.

Politics piqued his interest while he was serving in the U.S. Army in Germany during World War II. "I was voting for Franklin Delano Roosevelt for the third time. I was close to a small town named Stahlberg, Germany. It was raining, in an apple orchard.

While voting I thought and decided, "if I every get out of this mess I'm going home and getting in politics." * * * I guess I figured that government caused all this and if government caused all this I'd like to be part of it * * * I got out of the mess and on returning home, I ran for the (Maryland) House of Delegates and won." He took office in 1947.

"Four years later I ran for the Senate and have been in the Senate ever since," Mr. Malkus said.

In 1955, he became the chairman of the senate's Judicial Proceedings Committee.

"As chairman of the Judicial Proceedings Committee it was my duty to consider home rule for the towns," Mr. Malkus said. In 1960 after home rule was put in effect, Maryland Municipal League named him "State Official of the Year."

"I have always felt that government closest to the people is the best form of government and if the towns can govern themselves I think they will govern best," he said.

But Mr. Malkus, a conservative, was not so popular among the more liberal members of

the committee, and he is said to have often clashed with them over civil rights legislation.

In 1966, he lost his chairmanship.

"I was a country boy and the city boys took over and I was replaced by Sen. Joseph Curran who now is the state's Attorney General," he recalled.

When federal law mandated reapportionment, which allocated the number of representatives based on the population of an area, the rural areas lost control of the legislature.

"The major thing that has happened in the legislature since I arrived was the difference between the rural control and now the urban control. In my early days in the legislature, the Senate consisted of 29 members, nine of which were from the Eastern Shore. That gave the Eastern Shore, along with rural Southern Maryland and rural Western Maryland, control of the Maryland Senate. Things changed completely. Now the Eastern Shore only has three members out of 47.

"I have always said that when the country boys had control of the legislature, we were much more liberal to the metropolitan areas than the metropolitan areas have been since they have had control."

After Mr. Malkus lost his chairmanship, no one from the rural areas was chairman of a major committee until Sen. Walter Baker (of Cecil County) became chairman of the Judicial Proceedings Committee seven years ago.

Slowly, Mr. Malkus said, the Eastern Shore and other rural areas are regaining some of their power. R. Clayton Mitchell, Speaker of the House, is from the Eastern Shore as is the chairman of the House's Environmental Matters Committee.

From Judicial Proceedings, Mr. Malkus served on the senate's Economic and Environmental Matters Committee.

"When I lost my chairmanship, I made up my mind to fight in spots," he said. "In any Eastern Shore fight, I've always been there."

"On Economic and Environmental Matters, I did my best good by being against," Mr. Malkus said of several environmental bills that he argued put an unfair burden on Eastern Shore residents.

The one victory he said he savors the most was gained after his four-year fight to establish the Department of Agriculture. After the governor and other legislators to agreed establish committees on agriculture, the senator convinced them that a separate department was necessary. In 1972 the Department of Agriculture was formed.

"During 1993 legislative term, there was an attempt made by the Speaker of the House of Delegates * * * to consolidate the Department of Agriculture with the Department of Natural Resources. The farmers were against that from one end of the state to the other. * * * The bill didn't have a chance with the farmers against it and the Administration against it. So we didn't have a hard fight on it. The bill just went to sleep."

But the senator said he's always been drawn to a good debate.

"We've had many great verbal battles on the floor of the Senate and for the most part I've been in most of them," Mr. Malkus said. "In verbal fisticuffs I have always been the happiest when the battle became the hottest." One of the best qualities a legislator can possess, he said, is a good memory so you can bring to an opponent's attention something he will be embarrassed about, discounting that the tactic may be perceived as ruthless.

"In politics, everything is relevant."

He has tried unsuccessfully for three years to get the legislature to pass a bill aimed at protecting landowner's rights, a bill that would require the state's attorney general's office to review any legislation that could affect development of property.

That fight, he said he will continue in his final year in the Senate.

For 46 years, Mr. Malkus has been "the esteemed gentleman from the Eastern Shore." He doesn't hesitate when asked if he would do it again.

"I believe I would have followed the same course. I have several times had the opportunity to be considered for a judgeship and each time I never gave it any serious consideration. It's difficult for me to be present and not to participate," he said.

As Mr. Malkus stares at the photo on his wall of his law office, one gets the feeling he'd like to time to remain some where between the man in the picture and the man who's readying for retirement.

"At the present time, if I were not 80 years old, if I was 15 to 20 years younger, I would run for reelection," he said. "When am no longer in the Senate, it will be somebody else job and I'm sure not going to interfere with it."

Mr. Malkus won't say who he would like to see succeed him. He would like someone who is independent and who knows the area. "This is very important don't trade your success at the expense of the Eastern Shore. That's a big temptation once you get recognized to forget where you came from * * *. We on the Eastern Shore have to stick together.

Although he stressed he would not interfere, he acknowledge that he can't just sit back and watch. "No doubt I will continue to be active in politics. I like the game too much. (This government) is the best in the world. No where can you find it better. I've been part of it."

[From the Annapolis Star-Democrat, Feb. 7, 1994]

AFTER 48 YEARS IN STATE SENATE, MALKUS IS SLICE OF MARYLAND HISTORY

(By Tom Stuckey)

ANNAPOLIS.—When Frederick Malkus started his legislative career, Harry Truman was president, Jackie Robinson broke the color barrier in baseball and the General Assembly was all white and almost all male.

In 48 years as a delegate and senator, the Dorchester County Democrat watched the state budget grow from $60.4 million to $12.5 billion. He observed, and sometimes fought, the end of officially sanctioned segregation in Maryland.

And he battled every inch of the way in a losing effort to prevent urban counties from seizing control of a legislature that had been dominated by rural lawmakers for two centuries.

Through all that turmoil and change, Malkus was a constant: a conservative old-style Democrat with a disdain for big cities and big government.

"It's very seldom that anybody in public office rises to the level of an institution," said Sen. Howard Denis, R-Montgomery, who watched Malkus through most of his political career.

"He's a slice of Maryland history and will be missed when he is gone," he said.

Nobody now in office has served in a state legislature longer than Malkus. Three legislators in South Carolina, Washington and New Hampshire match his 48 years of legislative service, said Brenda Erickson of the National Conference of State Legislatures.

Malkus said he thinks his constituents would send him back for four more years if he sought another term. But at age 80, he has decided it is time to step down.

"Needless to say, I'm not as alert as I was 50 years ago. I think it's a good time to retire," he said.

Malkus was fresh from serving in World War II when he was elected to the House of Delegates in 1946. Four years later, he was elected to the Senate, beating a former senator in the Democratic primary and knocking off an incumbent Republican in the general election.

The General Assembly was a far different creature in 1947 than in 1994.

Legislators had no staff. They had to share cramped offices tucked away in rooms scattered around the State House and Court of Appeals building.

There were no calendars showing bills to be taken up each day in the House and Senate. "We never knew what was going on" Malkus said.

Even when he became chairman of the powerful Senate Judicial Proceedings Committee in 1955, Malkus said his committee staff consisted of only one secretary.

"If I wanted an amendment, I had to write it myself," he said. Today, eager ranks of young lawyers are available to dash off amendments on a moment's notice.

Malkus does not want to go back to the past, but he questioned the need for all the lawyers, analysts, aides and secretaries who fill three office buildings in Annapolis today. "The staff do most of the work and in some cases a lot of the thinking."

He regrets a loss of independence in the Senate, whose members he thinks are more likely than in the past to do the bidding of Senate leaders or the governor. And he preferred the old days when lobbyists were almost unknown in Annapolis.

Rural lawmakers dominated the legislature when he arrived in Annapolis, and it took Malkus only nine years to become one of the most powerful leaders in the legislature as chairman of the Judicial Proceedings Committee.

Critics at the time described him as a dictatorial and autocratic leader. He demurs. "I ran a tight committee, a successful committee."

The Supreme Court's one-man, one-vote rule brought an end to rural domination of the legislature and cost Malkus his leadership job.

Sen. Julian Lapides, D-Baltimore, was part of a group of liberal urban lawmakers who insisted that Malkus be replaced as committee chairman in 1967 by Baltimore Democrat J. Joseph Curran, now state attorney general.

"For years our relationship was strained, but in later years, I began to like him a great deal," Lapides said.

"He's old school. He's opinionated. He's showman. But I think he has great personal integrity." he said.

Since losing his leadership position, Malkus' main goal has been to protect the Eastern Shore from the "beltway bullies" who come from the urban sprawl of Washington and Baltimore.

In the 1960s, he fought against civil rights laws that he believed infringed on the right of his Dorchester County constituents to make their own laws. Later, he opposed mass transit projects such as the Baltimore subway that he said would siphon money away from rural roads and bridges.

And he fought against environmental bills that he thought took rights away from Eastern Shore property owners but left landowners in urban areas free to pollute at will.

Malkus scorns critics who he said question his commitment to the environment while allowing environmental degradation to continue in the metropolitan counties.

"I call them hypocrites. They vote for somebody else to save nature, but they don't want to do it themselves," he said.

Lapides, an urban environmentalist, said Malkus is a true environmentalist despite his opposition to major environmental legislation to protect wetlands and critical areas and limit development.

"He's deeply committed to the land," Lapides said.

There are critics who charge Malkus is a political dinosaur, supporting policies that no longer work and denying the problems of the 1990s.

But Denis said that is not the case.

"A lot of his attitudes were formed at a time when a lot of people in the Senate weren't even born," Denis said.

"But he does not allow himself to slip into the past. He's very much of the present," he said.

"His enthusiasm has never waned. He hasn't lost a step."•

IN TRIBUTE TO THE 100TH ANNIVERSARY OF THE KOSCIUSZKO FEDERAL SAVINGS BANK

• Ms. MIKULSKI. Mr. President, I rise to pay tribute to the Kosciuszko Federal Savings Bank in Baltimore, MD. Kosciuszko has been serving my home town for 100 years.

The Kosciuszko Savings Bank was founded by my grandfather, Michael Kutz, and other immigrants—shop owners in the neighborhood who pooled their resources to open up opportunities for other immigrant families. My grandfather had a grocery store, while someone else owned a tavern. One was a cabinet maker, one a dentist, a shoemaker, a barber, an attorney, and an insurance agent. They all put money up together when so-and-so in the neighborhood wanted to buy a house. They knew everybody in the neighborhood, and they helped get people started in the community. The Kosciuszko Bank was founded on the principle of helping others.

His son Peter Kutz runs Kosciuszko now, and has kept to the roots of the original home town savings and loan. He knows how important it is that we do not forget the little guys, families that have passed their savings through generations as they have grown.

The Kosciuszko Bank has served these families for 100 years, through the Depression and the savings and loan crisis. My grandfather made sure that the bank stayed open through the Depression without foreclosing on any loans. They operated with a pledge of honesty and developed confidence and trust with their customers.

And in the 1980's, when those big boys with Gucci shoes were making real estate deals, Peter Kutz was running the Kosciuszko Savings and Loan the same way its founders had: with two tellers, no hours on Wednesday, and no speculative business deals. The savings and loan crisis caused many Maryland S&L's to shut down, but the old neighborhood thrift in east Baltimore did not even have long lines.

Mr. President, the Kosciuszko Federal Savings Bank has been providing my community with security and stability since 1884. If has helped families grow through two and three generations. Its reputation of honesty and trust has spread by word of mouth, and it now serves over 1,000 people. Over the last 100 years—through the Great Depression, several wars and recessions, and the savings and loan crisis—the Kosciuszko Bank has been a rock and foundation of east Baltimore. I am proud to recognize the Kosciuszko Savings Bank, and to pay tribute to its 100 years of service to the community.•

TRIBUTE TO DENISE E. EPPS-SMITH

• Mr. LIEBERMAN. Mr. President, I rise today to honor Denise E. Epps-Smith, who has made a tremendous contribution to the lives of special education students.

Ms. Epps-Smith began her career in special education in Hartford in 1978, when she began teaching at the Special Education Learning Center [SELC], an academic program for socially and emotionally maladjusted children. Appointed to the position of special education coordinator of the SELC and subsequently named SELC administrator, Ms. Epps-Smith is currently responsible for the operation of the entire SELC program. She has also served as supervisor to teachers at the Juvenile Detention Center, to the REACH Program at the McDonough and Martin Luther King Schools, and was involved with programs at the Fox Middle School, and Hartford Public High School.

Acknowledged by her colleagues as an exceptionally competent administrator and a woman of great integrity, Ms. Epps-Smith is an integral part of the special education programs in Hartford. Her tireless efforts and strong commitment have made a great impact on the lives of many of Connecticut's students.•

JAMES A. BAKER'S WOODROW WILSON CENTER LECTURE

• Mr. HATFIELD. Mr. President, last night I heard former Secretary of State James A. Baker III deliver the following speech for the 25th anniversary lecture series of the Woodrow Wilson Center. It benefits us all to hear what he has to say about current events and our Nation's role in world affairs. I ask that they be printed in the RECORD as a contribution not only to the current debate on Bosnia, but also to our larger responsibility to define and protect American interests abroad.

The speech follows:

IS HISTORY REPEATING ITSELF IN EUROPE?

(By James A. Baker III)

It is a privilege for me to be here this evening on behalf of The Wilson Center, an institution with which I have been proudly associated for over 17 years, and a pleasure to see around the room the faces of so many old friends and colleagues.

Since leaving government I have been deeply involved in the development of an institute for public policy at Rice University in my hometown of Houston, Texas. Like all new endeavors, the Institute is looking for examples of excellence to emulate, and I can assure you that The Woodrow Wilson Center for International Scholars ranks high among them. I only hope that the Baker Institute will be half as successful as the Center has been in attracting our nation's most distinguished scholars and practitioners of public policy.

My subject tonight is Europe in the post-Cold War era and, in specific, an appropriate American response to the strategic, political, and economic changes that are (for better or for worse) still transforming the region that comprises the former Soviet bloc.

All of us can remember the euphoria we felt when the Berlin Wall fell and freedom surged, first through Central and Eastern Europe and then into the heart of the Soviet Empire itself. It seemed for a moment as if Woodrow Wilson's great vision of a liberal international order, based on the shared values of democratic societies, might come to pass.

Those days seem long ago. Today, euphoria has been replaced by the somber realization that history—the history of human conflict and cruelty—has not, in fact ended.

In the former Yugoslavia, Europe has witnessed its worst human savagery and suffering since the end of World War II. The nightmare in Bosnia has revealed both the strength of ethnic animosity and the impotence of the international community in addressing it, prompting some pessimists to describe it as the model of future conflict throughout the former communist bloc.

In Russia, economic reform seems stalled, if not yet reversed, and, day-by-day, evidence of a more assertive, some say aggressive, Russian foreign policy towards its neighbors accumulates. There is, not surprisingly, already talk in the West of "losing" Russia. I believe that events in Moscow, like the war in Bosnia, represent only part of broader trends in Central and Eastern Europe and the former Soviet Union.

I am convinced that these trends, if not slowed, promise a continent far-removed from the Europe whole and free which seemed so close when the Cold War peacefully concluded.

POST-REVOLUTIONARY TRENDS IN THE FORMER SOVIET BLOC

Perhaps the most disturbing of these trends, and certainly the most costly in human terms, has been the rise of communal conflict throughout much of the former communist bloc.

In some places, conflict has boiled over into outright violence. This is true, not just in Bosnia, but also in Moldova, Georgia, Armenia, Azerbaijan, and Tajikistan. Elsewhere, conflict simmers just below the surface, especially in Ukraine, with its large, restive, and increasingly militant Russian minority. And Russia itself is a country within which there are many ethnic, linguistic, and sectarian differences.

Also worrisome is an emerging pattern of setbacks for economic reform. The eclipse of

reformers in Yeltsin's government, notably former Prime Minister Gaidar and Finance Minister Fydorov, and their replacement by apparatchiks have parallels elsewhere. In Moldova, Belarus, and, Ukraine, the forces of reform, never robust, are in retreat. In last month's parliamentary elections in Ukraine, for instance, reformers won only 35 of 338 seats. In contrast, over 100 former communists were elected. Not even Poland, one of Eastern Europe's free market successes, has proven immune. Even there, former communists have been able to capitalize on the hardships associated with economic reform for electoral gain—as they appear to have done in yesterday's elections in Hungary.

Simultaneous with this movement away from economic reform has been a trend towards political radicalism. Communist totalitarianism may have met defeat, but the victory of liberal democracy has been far from complete. Today, ideological struggle continues, but along a different front.

After fifty years of near silence in Europe, fascism has found its voice again—an ugly, menacing voice of anti-semitism, xenophobia, and authoritarianism. This development has been most striking in Russia, where Vladimir Zhirinovsky's success in last December's election demonstrates the powerful appeal of reaction to the economically hard-pressed.

But Zhirinovsky is not alone in his appeal, nor is Russia unique in its temptation. In Serbia, Slobodan Milosovic has already put much of Zhirinovsky's theory into practice, prosecuting a war in the name of a Greater Serbia without consideration of basic human rights or international norms of behavior. Elsewhere in the region, there are those prepared to follow his and Zhirinovsky's lead.

Even some Western Europeans, presumably far more sophisticated politically than their brethren to the East, have yielded to reactionary temptation, turning to the political extremism of neo-fascists in Italy and Germany or to the street violence of skinheads in Great Britain and elsewhere.

A final worrisome trend, now subject of intense debate in the United States and in Europe, is Russia's reassertion of its traditional sphere of influence. President Yeltsin and Foreign Minister Kozyrev have staked public claim to a special Russian relationship with the states of the so-called "near abroad." As Russian military involvement in Georgia and Moldova already demonstrates, this relationship presumably includes the right to intervene in its neighbors' affairs.

Whatever Russia's intent, the nations around it, particularly those, like Ukraine, with sizeable ethnic Russian minorities, are plainly apprehensive.

So are the Eastern European countries that have endured Moscow's imperial yoke in the past. Russia's introduction of peacekeepers into Bosnia has so far marked a positive contribution to peace in that volatile region. It nevertheless raises concerns in the Balkans and elsewhere about the reemergence of a pan-Slavism that led, at least in part, to the outbreak of World War I in 1914.

LIBERALISM AND REACTION

All these trends, from the trend toward reversal of reform, to the rise of fascism to the risk—if not yet the reality, of a new Russian imperialism are interrelated. All, I believe, reflect a fundamental rejection of the principles of liberalism, principles first delineated in the works of Enlightenment theoreticians like Locke, Montesquieu, and Kant, and embodied by the modern societies of Western Europe and the United States.

Free enterprise, democratic government, civic identity based on voluntary association rather than communal solidarity, and the peaceful resolution of international disputes are all great liberal ideals. All today are under assault in Central and Eastern Europe and the former Soviet Union.

Whether the anti-liberal trends I have discussed represent a true counterrevolution, or simply temporary reverses understandable given the enormous tasks confronting reformers in the East, is unclear. Some observers have gone so far as to suggest that the Cold War itself marked an anomaly in European history, and that, with its conclusion, the traditional continental struggle between liberalism and reaction dating back to the 19th century will resume.

Clearly, the great Eastern debate over modernization continues. The division between Russia's Slavophiles and Westernizers, apparent at least since the time of Peter the Great, can be seen today in the contest between men like Zhirinovsky and Gaidar, who possess not just different, but mutually exclusive, visions of their nation's nature and international role.

THE WESTERN (NON-)RESPONSE

The Western response to developments in the former communist bloc has been mixed at best, and marked, in the United States and elsewhere, by near manic-depressive swings between optimism and gloom. This is particularly true in the case of Russia, where opinion is sharply divided.

Some observers seem prepared to countenance any Russian backsliding at home or bellicosity abroad for fear of prompting a reaction from the Russian right. Many in the current Administration appear to fall into this camp.

Others, in contrast, seem ready to declare Russia already lost. Some members of my own political party have seized on the recent US-Russian spy scandal to call, not just for a termination of American aid to Russia, but, at least by inference, for the creation of a new anti-Russian alliance.

In my opinion, the first point-of-view is naive, the second premature. Yet both, ironically, suffer from the same intellectual affliction: Russo-centrism.

This is not to deny the importance of Russia and developments there, not just for its neighbors, but for Western Europe and the United States.

Indeed, I will later argue that it is precisely this importance which makes it imperative for the West to maintain assistance to Russian reform and reformers.

But I believe it is also critical to recall that Poland, Hungary, and the Czech Republic, to name just three, possess importance to the West in their own right, as fellow democracies, diplomatic partners, and potential markets. Our policies towards them must be dictated by American interest, not by domestic Russian politics.

What the West needs, I submit, is a European approach to European problems, one that addresses unfolding events in Russia in a broader continental context. I believe that the West should pursue a four-part strategy towards Central and Eastern Europe and the former Soviet Union.

A WESTERN STRATEGY

First, the West must make irreversible our past progress on strategic arms control and non-proliferation.

Lost in today's headlines is a fact of extraordinary importance: tens of thousands of nuclear warheads, enough to destroy humanity several times over, remain in Russia, Belarus, and Ukraine.

Plainly, the United States should continue to monitor closely the dismantlement of Russian nuclear weapons pursuant to arms control agreements. As we have since 1991, we should support this effort with technical assistance. In addition, the United States and its allies must intensify pressure on Ukraine to meet all its commitments under agreements it negotiated and signed with us and other countries—commitments that the government of Ukraine has solemnly made, frequently reiterated, but not yet fulfilled.

Our willingness to compromise with Ukraine, rather than insist on full compliance with these commitments is why we have been on the receiving end of an ever-escalating series of demands for economic and security assistance.

Lest anyone be tempted to forget, the missiles in Ukraine are aimed at Washington, not Moscow. This vital fact should outweigh any consideration of domestic politics and we should demand that Ukraine fulfill its two-year-old commitments to us.

But the West must worry about more than the nuclear weapons that remain in the former Soviet Union, dangerous as they are. We must also be concerned about the illicit export of unconventional arms, technology, and expertise from the former Soviet Union to parts unknown, or rather suspected: locations like Tehran, Tripoli, Pyongyang, or Baghdad. Given the profound economic hardship reigning in the former Soviet bloc, and particularly the extreme shortage of foreign exchange, the temptation to proliferate will be considerable.

But it must be resisted, if necessary with the reinforcement of Western sanctions against violators. With the Clinton Administration's decision to lift remaining COCOM restrictions on sensitive exports to the former Soviet Union, the risk of diversion of technologies has, in fact, increased. As we call for discipline on the part of the former Soviet Union, it is important that the United States and our allies meet the same test of responsibility.

Second, the West must reinvigorate the North Atlantic Treaty Organization. This begins with a refocussed mission for NATO. Russia's military is in disrepair. Manpower is down to only a quarter of that of the former Soviet Union. Readiness is poor, with military exercises regularly cancelled for lack of ammunition or equipment.

And morale, as evidenced by a recent draft call in Moscow where only 5 percent of inductees turned up, is low. In short, though large in comparison to its neighbors', Russia's armed forces today, and for the foreseeable future, represent no conventional threat to Western Europe.

Nonetheless, the disappearance of an immediate threat to Western Europe should not lead to the demise of the West's premier political and security organization: NATO. I am convinced that NATO must still play a vital role in the future of European security. It is, quite simply, the world's foremost military alliance. There is simply no replacement for it on even the most distant of horizons.

The relative success of NATO's recent, if overdue, action in Bosnia demonstrates, I believe, its unique capability and credibility. Both should be put more aggressively to use in containing the Bosnian conflict from expanding into a general Balkan War that could draw in Albania, Greece, Hungary, or even Turkey.

Macedonia, in particular, remains a potential flashpoint, despite the presence of American and other observers. Highly vulnerable to possible Serbian aggression, it has also been, since February, the victim of an unwarranted Greek trade embargo.

Explicit warnings to anyone tempted toward adventurism in Macedonia, including the government in Belgrade, backed up, if necessary, by the deployment of substantial NATO forces, should be part of our approach to the Macedonian problems. So, too, must be a clear message to Athens from all its NATO and EU partners that its embargo of Macedonia, however popular domestically, runs the real risk of further destabalizing an already war-ravaged region and should be reversed.

Central to NATO's reinvigoration is expanding membership eastward. I believe that the Alliance should offer full membership to former Soviet bloc states that demonstrate a commitment to democracy, free markets, and responsible security policies. By so doing, NATO can extend powerful incentives for reform. In my opinion, Poland, Hungary, and the Czech Republic are ready for membership now. The Administration's "Partnership for Peace" is, at best, a half-hearted response—and last January's NATO Summit marked a missed historic opportunity. Broadening full Alliance membership will enhance security in Central and Eastern Europe as it did in Western Europe after World War II, and send a message of Western resolve to would-be Russian imperialists.

Moreover, I am convinced that NATO membership can be expanded eastward without prompting an extreme and irreversible Russian reaction. True, Russia is on record as opposing full NATO membership for the Czech Republic, Hungary, and Poland, but Russia herself has also shown interest in some association with NATO. I believe that Russia, like the other former bloc states, should be offered full Alliance membership when and if it, too, meets the criteria I have mentioned. In the final analysis, however, expanding NATO membership must be NATO's decision. A Russian veto on this is simply unacceptable.

Third, the West should sustain support for reform in Central and Eastern Europe and the former Soviet Union.

It is crucial to remember that Russia has not yet been lost. Reform, though slowed, continues. The economic hardship being endured today by the Russian people should not obscure the remarkable strides they have made in just a few years. A new free economy may not have arrived, but the old command economy is clearly a thing of the past.

Already, more than 75 percent of Russian small business is in individual hands and more than 25 percent of the labor force works in the private sector.

Prices have been freed on all but 10 percent of goods. Inflation, though still unacceptably high, continues to decline. And, most importantly of all, Russia already possesses a dynamic entrepreneurial class.

Nor, we should remember, is Russia in any real sense the West's to lose. Russia remains a great power. It is a vast, populous nation with a rich culture and extraordinary economic potential. Russians, and Russians alone, will determine their country's future, for better or for worse.

That said, assistance to reform in Russia remains the West's best international investment, with potential returns, both political and economic, of historic magnitude. Western aid to Russia has never approached a fraction of the cost associated with deterring the Soviet Union. That aid, however, should be more narrowly focused on encouraging private sector development and promoting the institutions, such as political parties, that are preconditions to a civil society. Above all, Western donors and institutions like the International Monetary Fund must continue to remind Russia and others of an unpleasant economic truth: deferring reform will only delay the day of final reckoning. There can be no "therapy" without some "shock."

Equally vital, however, is a good faith effort by the West to open its markets to Eastern goods. Here the record of the European Community has failed abysmally to match is rhetoric. Indeed, certain EU policies, particularly tariffs on key Eastern products such as steel and agricultural goods, have been positively punitive towards the East.

The urge to protect Western European producers, especially given the lingering recession on much of the continent, is understandable. Unemployment is high, growth feeble. Nevertheless, it would be truly tragic were Europe to pull down the Iron Curtain only to erect a trade wall between the "haves" of the West and the "have-nots" of the East. In this regard, Chancellor Kohl's recent call for a roll-back of tariffs against Eastern goods is a positive sign and one that the United States should encourage.

But we here in America must also go further to open our markets to trade with the East. As a first step, we should stop protecting our own domestic producers of commodities, like uranium, which Russia needs to export to generate critical foreign exchange. We should also reach out to former communist bloc countries like Hungary, the Czech Republic, and Poland, to negotiate free trade agreements. Trade and investment between East and West can help ensure mutual security and shared prosperity in ways that massive armies or foreign assistance cannot.

The fourth and final element of a Western strategy for Central and Eastern Europe and the former Soviet Union must be American leadership.

This does not mean that the United States should become Europe's policeman. We have fought three wars in Europe during this century—two hot ones and a cold one—and that is quite enough. Still, the United States is a European power, with enduring interests there, and we must act as one.

As it has for four decades, European unity remains in America's national interest. We should look forward to the day when the United States can work with a united Europe as a full diplomatic, economic, and strategic partner.

That day, however, has not yet arrived. Even economic union, a far less daunting task than political unity, has proven more difficult than many European enthusiasts had predicted. "EC 92" has come and gone and the states of Western Europe still struggle with coordination. Monetary union remains as ephemeral as it has always been.

Diplomatic coordination has proven, if anything, even more difficult for the EU to achieve. Anyone who doubts the imperative of American leadership need only review the tragi-comic history of Europe's "common policy" towards the former Yugoslavia.

SELECTIVE ENGAGEMENT

The end of the Cold War has created extraordinary freedom of action for the United States, in Europe and elsewhere. We no longer face a single overwhelming threat. We no longer confront a single global enemy. The decades of East-West confrontation, when every conflict, no matter how minor, could become a zero-sum contest between the two blocs, are, gratifyingly, over. American engagement is no longer compulsory.

Instead, today the United States can afford to engage selectively. This selective engagement requires us to assess our interests and seek policies that are proportionate to them. We must choose the appropriate instrumentality, multilateral or unilateral, to pursue those policies. And, above all, we should husband that most important of intangibles, our credibility, in the service of our national interests.

To be blunt, I believe that the Administration—by missteps in Haiti and Somalia, a diminution of American leadership within NATO, and a "stop-and-go" policy towards Bosnia that can only charitably be labeled "confused"—has called that credibility into doubt.

In foreign policy, far more than in domestic policy, words are the currency of the realm. If promises to allies are kept and threats against enemies carried out, our currency will rise in value. But if promises are betrayed, threats are unfulfilled, and rhetoric and reality don't match, then the currency of our foreign relations will be dangerously devalued. And right now, the run against the dollar pales in comparison to the devaluation that has taken place in our foreign relations.

In short, the Administration has indulged in Wilsonian rhetoric without backing it up with Wilsonian resolve. As Michael Mandelbaum, foreign policy expert and, ironically, advisor to the Clinton campaign in 1992, puts it succinctly: "If you're not going to pull the trigger, don't point the gun."

The impression today in inescapable: the nation's leadership is fundamentally uncomfortable with the concept of America power, which of course is a sine qua non of its proper exercise. In the wake of the Cold War, the scope for that exercise is without parallel. The United States finds itself in a unique and ironic set of circumstances. With our emergence as the world's sole superpower, the United States can do so much that we are tempted to attempt everything—or do nothing at all.

It is clear that the United States must avoid both temptation and their attendant false choices. If we are to protect our interests and promote our values, as I believe we must, then we must get beyond empty either/or's and engage selectively. Fundamentally, the question is not if the United States should remain engaged in world affairs, but when, where, and how.

EMBRACING UNCERTAINTY

This is nowhere truer than in Central and Eastern Europe and the former Soviet Union, a region where history is still being made at a revolutionary pace. The strategy I have sketched tonight—a strategy of selective engagement—embraces the uncertainty of the current moment around the world, but especially in Europe.

No simple analysis will yield the truth about a region as vast, complex, and rich with history as the former communist bloc. And no single policy will permit the West to meet the challenges of the post-Cold War Europe.

Still, I believe that the approach which I have outlined maximizes opportunity and minimizes risk not just for the West, but for the nations of the former Soviet bloc themselves. It reinforces liberalization where possible but prepares against the eventuality of reaction. It hedges our strategic bets. It is a strategy, in short, that combines both hope and realism.

CONCLUSION

If my remarks this evening lack the optimism of a few years ago or the pessimism we hear so much nowadays, it is for a reason.

Today, we stand neither on the verge of the millennium nor on the eve of Armageddon.

Indeed, we are, on balance, rather further from Armageddon than we were just a few years ago, when Europe was still divided by barbed wire and armies bristling with weapons.

And lest we forget it, hundreds of millions of individuals today throughout the former communist bloc have a chance they did not just five years ago: an opportunity to live free and prosperous lives in a world made safer for them and their children. Woodrow Wilson's dream may not yet be universally realized, but it is enjoyed today by more people than at any time in human history.

We are ending human history's most brutal century on a note of hope, however tentative. That we and the world do so is attributable above all, I believe, to American leadership on the international stage. And that leadership remains as vital today as it ever was.

No, Russian is not yet lost. Nor, whatever happens there, is Europe. The continent is not ready—yet—to repeat its tragic history of the 1930s and '40s.

Nonetheless, I do believe that the United States and its allies today run the real risk of losing a unique historical opportunity to shape Europe in a way that will protect our interests and promote our values for years, and, indeed, decades to come.•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise to announce to the Senate that 12 people were killed by gunshot in New York City this past week, bringing the annual total to 360. The Senate can do something to stop this public health epidemic. I have said many times that guns don't kill people, bullets do. Indeed, we need to ban or tax heavily certain calibers of handgun ammunition. Recently, the House and Senate have taken action on important firearms-related legislation.

First we passed and President Clinton signed into law the Brady bill. Last week, the House passed legislation to ban 19 types of semiautomatic assault weapons. I supported this legislation as an amendment to the crime bill and urge conferees to include this important provision in the conference report to the crime bill.

Finally, Mr. President, I ask that a partial listing of New York assault weapon incidents be printed in the RECORD at the conclusion of my remarks. This listing illustrates the ugly toll that these assault weapons have taken in my State.

The listing follows:

NEW YORK ASSAULT WEAPON INCIDENTS—PARTIAL LISTING

OFFICER STARES DOWN THE MUZZLE OF AN AK–47

BUFFALO, April 26, 1994.—A narcotics detective was nearly killed when a suspected drug dealer pointed an AK–47 in his face poised to shoot. A nearby officer fired and narrowly missed the suspect, but saved the officer.

TWO THUGS OPEN FIRE ON POLICE, TEC–9 FOUND

BROOKLYN, April 25, 1994.—A gun battle erupted when two men apparently recognized two plainclothes cops as police officers and opened fire with a TEC–9. The two officers, part of a team of officers involved in an undercover narcotics operation, fortunately escaped unscathed but were treated for trauma. Police returned fire, killing one suspect and wounding a second.

BROOKLYN BRIDGE ASSAILANT HAD ASSAULT WEAPONS IN HOME ARSENAL

NEW YORK CITY, March 1, 1994.—Two men were killed in a drive-by assault on the Brooklyn Bridge believed to have been perpetrated with large-capacity pistols. However, the gunman's home arsenal, recovered by police, included a street sweeper shotgun and an AK–47.

HIGH-SPEED CAR CHASE WITH AN AK–47

BUFFALO, March 1, 1994.—A 29-year-old was killed by at least four shots to the body in a high-speed car chase lasting several blocks. Witnesses dove for cover as more than thirty rounds were fired from an AK–47 before the victim's car crashed into a utility pole.

AN ARGUMENT OVER STOLEN SPEAKERS ENDS IN DEATH

BUFFALO, February 22, 1994.—A 17-year-old was fatally wounded in a housing project hallway argument over stolen speakers when the man he was arguing with pulled out a MAC–10.

16-YEAR-OLD AND 14-YEAR-OLD COMMIT CARJACKING

BUFFALO, January 29, 1994.—A 16-year-old and his 14-year-old accomplice perpetrated a carjacking, "persuading" the driver to hand over the keys with an AK–47.

TEENAGER USES AK–47 AGAINST QUEENS POLICE

NEW YORK CITY, June 1989.—Police officers in Queens were fired upon with an AK–47 rifle when responding to a street corner shooting in which a 19-year-old victim was slain by a 15-year-old.•

CONCLUSION OF MORNING BUSINESS

Mr. FORD. Mr. President, I now ask unanimous consent that we return to regular order.

The PRESIDING OFFICER. Without objection it is so ordered.

Morning business is closed.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIFTING THE ARMS EMBARGO ON BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that all amendments to S. 2042 be withdrawn; that there then be two first-degree amendments in order to be debated concurrently, the first to be offered by Senator DOLE, which will be the text of amendment No. 1694, as modified, and the second to be offered by Senator MITCHELL relating to the same subject; that no other amendments be in order to S. 2042 prior to the disposition of these two amendments; that upon the conclusion of the debate on the conference report on S. 636 on Thursday, May 12, the Senate resume consideration of S. 2042, the Bosnia arms embargo bill, and there then be 1 hour for debate on the two leaders' amendments, equally divided between the two leaders or their designees; that upon the use or yielding back of that time, the Senate vote, without any intervening action or debate, on Senator MITCHELL's amendment, to be followed immediately by the vote on Senator DOLE's amendment, No. 1694, as modified; that if both amendments are agreed to, the language of each is inserted into the bill; that upon the disposition of these two amendments, the bill continue to be debatable and amendable; and further, that upon the disposition of these amendments, the Senate, without any intervening action or debate, vote on the conference report on S. 636.

The PRESIDING OFFICER. Without objection, it is so ordered.

LENGTH OF VOTES ON THURSDAY, MAY 12

Mr. MITCHELL. Mr. President, I ask unanimous consent that when these votes occur on Thursday—and under the current schedule, there will be three votes beginning at noon on Thursday—the first vote be for 15 minutes and the succeeding votes be for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I understand that Senator DOLE's amendment is at the desk. I am about to send my amendment to the desk, and I will then explain my amendment and address the subject briefly.

AMENDMENT NO. 1696

(Purpose: To approve and authorize the use of United States airpower to implement the North Atlantic Treaty Organization [NATO] exclusion zones around the U.N. designated safe areas in Bosnia-Herzegovina, to protect UNPROFOR forces, and to seek the removal of the arms embargo of the Government of Bosnia-Herzegovina)

Mr. MITCHELL. Mr. President, pursuant to the agreement just reached, I send an amendment to the desk and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. MITCHELL] for himself, Mr. PELL, Mr. NUNN, and Mr. BUMPERS proposes an amendment numbered 1696.

At the appropriate place insert the following:

(a) PURPOSE.—To approve and authorize the use of the United States airpower to implement the North Atlantic Treaty Organiza-

tion (NATO) exclusion zones around United Nations designated safe areas in Bosnia and Herzegovina and to protect United Nations forces.

(b) FINDINGS.—The Congress makes the following findings:

(1) the war in the Republic of Bosnia and Herzegovina has claimed tens of thousands of lives and displaced more than two million citizens;

(2) the Senate supports as a policy objective a peace settlement that provides for an economically, politically and militarily viable Bosnian state, capable of exercising its rights under the United Nations Charter;

(3) United Nations Security Council Resolutions 836 and 844 call on member states, acting nationally or through regional organizations, to take all necessary measures to deter attacks against safe areas identified in Security Council resolution 824.

(4) On February 9, 1994 the North Atlantic Council authorized the use of air strikes to end the siege of Sarajevo and on April 22, 1994 to end the siege of Gorazde and to respond to attacks on the safe areas of Bihac, Srebrenica, Tuzla or Zepa or to the threatening presence of heavy weapons within a radius of 20 kilometers of those areas (with Bosnia and Herzegovina);

(5) The Congress in the FY 1994 State Department Authorization bill expressed its sense that the President should terminate the United States arms embargo on the Government of Bosnia and Herzegovina.

(c) POLICY.—

(1) The Senate authorizes and approves the decision by the President to join with our NATO allies in implementing the North Atlantic Council decisions:

(A) of June 10, 1993 to support and protect UNPROFOR forces in and around U.N. designated safe areas and,

(B) of February 9, 1994 to use NATO's airpower in the Sarajevo region of Bosnia and Herzegovina and,

(C) of April 22, 1994 to authorize CINCSOUTH to conduct air strikes against Bosnian Serb heavy weapons and other military targets within a 20 kilometers radius of the center of Gorazde, and Bihac, Srebrenica, Tuzla or Zepa (within the territory of Bosnia and Herzegovina) if these safe areas are attacked or threatened by Bosnian Serb heavy weapons.

(2) The Congress favors the termination of the arms embargo against the Government of Bosnia and Herzegovina. The President shall seek immediately the agreement of NATO allies to terminate the international arms embargo on the Government of Bosnia and Herzegovina. In accordance with Administration policy following such consultations the President or his representative shall promptly propose or support a resolution in the United Nations Security Council to terminate the international arms embargo on Bosnia and Herzegovina. If the Security Council fails to pass such a resolution the President shall within 5 days consult with Congress regarding unilateral termination of the arms embargo on the Government of Bosnia and Herzegovina. Upon termination of the international embargo the President shall ensure that appropriate military assistance be provided expeditiously to Bosnia and Herzegovina upon receipt from that government of such a request in exercising its right of self-defense.

(3) Unless previously authorized by the Congress no United States ground combat forces should be deployed in Bosnia and Herzegovina. Any request by the President for such authorization should include:

(A) an explanation of the United States interests involved in such commitments or actions;

(B) the specific objectives of the commitments or actions;

(C) the likely duration of the operation;

(D) the size, composition, command and control arrangements, rules of engagement, contributions of allied nations, and other details of the force needed to meet the objectives;

(E) specific measurements of success, particularly the end point of the U.S. involvement, and what follow-on security arrangements would be needed; and

(F) an estimate of financial costs, including burdensharing arrangements, and non-financial costs as can be determined.

(4) Nothing in this legislation restricts the prerogative of Congress to review the arms embargo on Bosnia and Herzegovina.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I believe that every Member of the U.S. Senate is deeply concerned with the events of recent years in the former Yugoslavia. I believe that every Member of the Senate joins in condemning the atrocities that have occurred, the so-called ethnic cleansing, and the aggression which has left millions of people displaced from their homes and has torn apart villages and families.

I believe that every Member of the Senate would like to see the fighting there come to a close and a peaceful resolution of the conflicts which have existed for centuries and which are a tangle of ethnic, religious, and other differences.

So I think there is not much, if any, disagreement in the Senate about the goal we share. The disagreement, as always, is over the best way to achieve that goal, and especially the best way to achieve it consistent with the national interest of the United States.

The Senate now has before it two different approaches to this problem. The amendment which I have proposed with and on behalf of Senator PELL, the distinguished chairman of the Foreign Relations Committee; Senator NUNN, the distinguished chairman of the Armed Services Committee; and Senator BUMPERS, the distinguished chairman of the Small Business Committee, sets forth one alternative. The other amendment proposed by Senator DOLE for himself and a number of other Senators sets forth a different alternative.

What are the differences between them?

The major difference is whether or not the United States should now, on its own, simply terminate the arms embargo on Bosnia, as Senator DOLE and his colleagues propose, or whether the United States should immediately and aggressively seek to support the concurrence of our allies in NATO and the United Nations to end the arms embargo on Bosnia.

There are other differences as well, and I will detail those now. Then I will come back to the major difference and set forth my reasons for urging support for the alternative Senators PELL, NUNN, BUMPERS, and I have presented.

Among the other differences, our amendment expresses support for the decisions made by the President and NATO to support and protect the United Nations forces in and around the U.N. designated safe areas, to use NATO's air power in the Sarajevo region of Bosnia and Herzegovina, and to authorize air strikes against Bosnian Serb heavy weapons and other military targets within specified areas. No mention is made of those in the alternative resolution.

Therefore, I think those who believe that the United States and the United Nations should be more aggressive in dealing with this situation should support the alternative we are presenting because the other alternative is silent on those matters on the principal difference.

Mr. President, less than 2 years ago I visited the region. I toured refugee camps. I met and talked with people who had seen members of their family murdered. I met and talked with the leaders of the countries of the region, most of those who are involved in the ongoing conflict.

Upon our return from the visit, which I made with a bipartisan group of Senators, and following further discussion in this country, I expressed my support for an end to the arms embargo on Bosnia.

I reached that conclusion reluctantly, because I recognized that it could trigger a much more widespread and more destructive conflict than has occurred. But I believed then, and believe now, on balance it would be the right thing to do.

But what I do not believe is that it would be the right thing for anyone, the people of the region, or the national interests of the United States, or the future efforts to get countries to join together in collective action—it would not be in any of those interests for the United States now to unilaterally, on its own, without regard to the views of our allies or the safety of citizens and troops of our allies, to simply unilaterally discontinue this embargo.

Why is that? Mr. President, right at this time there are several multilateral actions imposing sanctions or other collective actions in other parts of the world and in this part of the world. Right now there is a concerted effort by several countries to impose economic sanctions on Iraq, and they have been imposed there since the time of the Persian Gulf war.

Right now, there is collective action to impose economic sanctions on Cuba, and they have been in effect there for some time.

Right now, there is a collective effort to impose sanctions on Haiti, as we all know from the announcements of recent days. And, as all of us know, there

is a possibility, perhaps a probability, that there will be collective action to impose sanctions on North Korea if that country persists in its refusal to permit inspection of its atomic facilities.

In addition, there is right now collective action imposing economic sanctions on Serbia, who all concede has aided and abetted the fundamental aggressors in this conflict, the Bosnian Serbs.

Well, Mr. President, ask ourselves this question: if the United States is to unilaterally on its own select those combined actions which it will drop out of when it wants to, then what is to prevent every other country from doing so on collective actions in which we want them to participate?

We cannot have it both ways. We cannot say that there must be collective action when we choose, but when there is collective action that we do not agree with, we are going to drop out and not try to get it changed by the other countries involved.

A few months ago, in my office, I met with the Prime Minister of Turkey. She made a powerful, impassioned argument as to the adverse economic effects on her country, Turkey, that are resulting from the sanctions against Iraq. They do not hurt the American economy very much, because we did not have a large volume of trade with Iraq, but they hurt the Turkish economy substantially because Turkey borders on Iraq and they had substantial trade with them.

In my view, it is a near certainty that if the United States now unilaterally drops out of the arms embargo on Bosnia, the Turkish Government and others in the region will unilaterally drop out of the economic sanctions on Iraq. Is that something that the Senate wants? And the same is true of the sanctions against Cuba, the same is true of the sanctions against Haiti, and the same is surely true of the sanctions against Serbia.

Indeed, by a coincidence and a curious irony, less than 2 weeks ago, Senator DOLE and I met in my office with the Prime Minister of Greece and the Foreign Minister of Greece. In the course of the discussion, the Foreign Minister of Greece described at some length the adverse effects on the economy of his country because of the sanctions being imposed against Serbia.

The sanctions against Serbia are directly related to the subject matter that we are now discussing, the conflict in Bosnia. Because of the Serbian actions with respect to Bosnia, economic sanctions have been imposed upon Serbia. They are a collective action. And, as always, the pain of these is not equally felt. We are not feeling much pain in this country from the sanctions against Serbia, but those countries which border on Serbia are —Greece, Hungary, Romania, Ukraine.

Those countries which had extensive trade and are now on the front line of the conflict are being asked to bear the burden. They are not going to continue to do that if they see that the United States picks and chooses which collective action it will participate in. In that event, they will pick and choose which collective action they will participate in.

And so we can anticipate an effect felt around the world and for some time to come if the United States takes the position that we are for collective action and we will participate in collective action when we want to, and when we do not want to, we will drop out. If we do that, we can expect others to adopt the same standard.

Mr. President, the supporters of the alternative have argued and will argue that "this case is different," and legal and technical arguments will be presented in an effort to distinguish this action. But we are not the only place in the world with lawyers and technicians who can make up these arguments. There are lawyers and technicians in Turkey who will make up equally compelling and perhaps more compelling arguments as to why they should no longer participate in the sanctions against Iraq. There are lawyers and technicians in many other countries who will make similar arguments, and the result that will be there will be few, if any, collective actions possible of this type.

I think this is a consequence that is to be avoided. I urge those who are considering these resolutions to ponder very carefully the implication for future policy. Because, Mr. President, the number of requests for the United States to intervene unilaterally in trouble spots around the world is going to grow and grow and grow. I would like, if I might, to ask my colleagues to think about that aspect of this debate.

We now approach the 21st century, with the United States in a position relative to other nations that I believe is unique in history. The United States is today the dominant military and economic power in the world.

There have been other dominant powers in prior history. But I ask my colleagues to think back and try to recall a situation in which the dominant military power has also possessed the moral authority and the trust which the United States now possesses. Prior empires—the Roman Empire, the Ottoman Empire, the Hapsburg Empire, the French under Napoleon, the British at the peak of the empire, they all had to fight their way on to the soil of other countries. They were constantly at war with hostile nations who resisted their drive for domination.

The United States is not in that position today. We have no territorial ambitions. And, as a result, our situation is the opposite. Not only do we not have to fight to get on to other people's soil, other people are constantly after us to send our military forces to their countries. They do not want us to bring our forces back.

Mr. President, in the last 2 years, I have spoken with the leaders of almost every government in Europe. I have asked each of them this question: now that the Soviet Union no longer exists and its forces are being withdrawn to Russia, should the United States withdraw its military forces from Europe back to the United States?

Without exception, the answer every time was no; not even a maybe, including the Russians, the Germans, the French, the Italians, the Scandinavians, everybody; they want American military forces in Europe.

In fact, in several of the countries which I visited, in the governments where American forces are not presently located, the governments requested that we send them there. This is a situation without parallel in history. People know the United States does not have territorial ambitions. They know we are not trying to conquer other countries and so they trust us and they constantly are after us not to bring our forces back from where they are now located and, in fact, to send them to even more places.

Mr. President, you combine that unique circumstance with the fact that the demise of communism and the rise of ethnic conflict and nationalism have created the certainty of turmoil in various places around the world and we are going to be asked over and over again to send American forces to solve every problem in the world. And the question we must ask ourselves as we debate this amendment is: Are we now to say that every problem in the world is going to be an American problem that requires an American solution? Or are we going to say, as I believe we should, that the United States is the world leader but it cannot by itself solve every problem in the world and we are going to ask others to join with us in dealing with problems, especially those distant from our shores?

I think common sense, prudence, and our national interest all combine to say that, facing this rising chorus of requests for Americans to intervene everywhere in the world, that we have to lead but do it in a way that involves other countries. Europeans should be involved in European problems. Africans should be involved in African problems. Asians should be involved in Asian problems. We cannot go into the 21st century asking for collective action to deal with problems around the world if we say now that in this case we do not like this collective action and so without any regard to the views of our allies we are just going to drop out, we are going to unilaterally end this embargo, and never mind what the British think or feel, never mind what

the French think or feel, never mind what the other countries think or feel—we are going to drop out.

If we are going to drop out on this, others are going to drop out on other things and the necessity of collective action will be even greater and made even more difficult for a long time to come as a result of our actions here today or when we vote on this during the week.

I think this is a very unwise course for us to take, even as I understand and sympathize with the motives of those who have introduced this alternative. They are frustrated, they are horrified by what has occurred, and they want action. Mr. President, I also am frustrated. I also am horrified. And I also want action. But let us take action which is consistent with our national interest not just in this case. Let us think about the consequences of this action in other situations in the future. All too often in this body and in the legislative process, we view problems as though with blinders and we do not think about the implications beyond the immediate question. Let us do so in this case.

For years to come, Members of this Senate are going to be confronted over and over again with requests for Americans to solve every problem in the world, with requests for Americans to intervene here, to intervene there. I say to you, Mr. President, we cannot do it by ourselves now or at any time in the foreseeable future. We can lead and we must lead as the dominant military, economic, and I would say cultural power in the world. But we have to have help and support from other countries as is appropriate and we are not going to get much help or support from them in other instances if we say that we do not care about their views in this instance.

Look right now at the French and the British. We do not have better allies than that, except for the possibility of our immediate neighbors with whom we share this continent. We have a long history of close relations with the French and British. Right now they have thousands of their troops in Bosnia in danger. We do not have any. And now we are about to say we are going to drop out of this embargo, taking action that endangers the lives of the thousands of British and French troops who are there without first seeking aggressively and actively and appropriately to enlist the support of the French and British Governments in a multilateral action. We should be taking this step but we should not be taking it alone. That is my point. We should be doing it in concert with our allies.

The amendment which I proposed sets forth a process for doing so. Let me describe just briefly the heart of the amendment.

It states first that the Congress favors the termination of the arms embargo.

Second, it directs the President to seek immediately the agreement of NATO allies to terminate the embargo.

Third, in accordance with administration policy, following such consultations the President or his representative is directed to propose or support a resolution in the U.N. Security Council to terminate the embargo.

And finally, if the Security Council fails to pass such a resolution, the President shall within 5 days consult with the Congress regarding unilateral termination of the arms embargo.

If we are going to take this step, why not do it after an orderly and rational and prudent process of trying to involve our allies? Of first seeking immediately the agreement of the NATO allies; of second, presenting the matter at the U.N. Security Council and seeking its approval; and then and only then, if that fails, to come back and consider unilateral termination at that time? That to me is the best thing we could do with respect to the situation in Bosnia and with respect to our own national interests—not just our national interests in this case but our national interests for the foreseeable future.

I will have more to say on the subject in the debate on Thursday. For now, I hope that my colleagues will join me in approving the alternative amendment which I presented with my colleagues, and I encourage them to read both amendments carefully, to listen to the debate, and in the end cast the vote that I believe is most consistent with the interests of the United States. That, after all, should be the foremost standard of consideration of any matter. And, secondly, the one best designed to be helpful to a resolution of the conflict that is now raging—that has raged for so long—in the region.

Mr. President, I yield the floor and I thank my colleague, Senator PELL, for his support and assistance in this matter.

Mr. PELL. Mr. President, I join with the distinguished majority leader and others in sponsoring this legislation. I must say that although I am not completely comfortable with this legislation, I have agreed to cosponsor it as an alternative to the Dole-Lieberman legislation.

The Dole-Lieberman bill would require the President to lift unilaterally the arms embargo against Bosnia and Hercegovina. For reasons I outlined earlier today, and that I discussed together with Chairman LEE HAMILTON in a New York Times piece last week, I will oppose that legislation. I favor the majority leader's alternative not as a matter of philosophy, but rather out of expediency.

One reason, I am not completely comfortable with this alternative legislation is that it endorses the termination of the arms embargo against Bosnia and it instructs the President to seek the agreement of NATO allies in ending the arms embargo. For me, the jury is still out on whether the United States should seize the lead in seeking a multilateral lifting of the embargo. That issue aside, the resolution comes too close for my comfort in suggesting that the President consider lifting the embargo unilaterally if he cannot achieve a multilateral consensus on this issue. I am pleased, however, that the Mitchell amendment calls upon the President to consult with Congress regarding terminating the embargo unilaterally.

To date, the President has held steady in his opposition to unilaterally lifting the embargo. I welcome that decision. I trust the President recognizes that there is not unanimous congressional view on lifting the embargo unilaterally. I hope that President Clinton will continue to keep in mind the reservations that Congressman HAMILTON and I, among others, have expressed. If this bill passes, and the President comes to Congress to consult, I, for one, would continue to urge the President not to lift the embargo unilaterally, and regrettably, would have to oppose a Presidential decision to do so.

Nonetheless, I support the legislation before us as an alternative to the Dole-Lieberman language. There is a groundswell of support for taking some congressional action on Bosnia, but I do not believe that legislation mandating a lifting of the arms embargo, the Dole-Lieberman approach, need be the only outlet for congressional action.

The legislation before us offers congressional input on a number of crucial elements of United States policy toward Bosnia. It authorizes the President's decision to join our NATO allies in using airpower to implement several specific United Nations and NATO decisions; it states that before taking further military action in the former Yugoslavia, the President should seek prior congressional support, it specifies the information the Congress would like the President to provide with regard to any further United States military action; and finally, it instructs the President to seek the agreement of NATO and United Nations allies to terminate the arms embargo against Bosnia.

I agreed to cosponsor this legislation for three main reasons: it offers an alternative to the Dole-Lieberman legislation, which in my view would be damaging to United States policy; it endorses a multilateral approach to ending the conflict in Bosnia; and it signals that Congress intends and expects to be involved in authorizing any further United States military activity in Bosnia. I urge my colleagues to join me in voting for this legislation.

The PRESIDING OFFICER. Pursuant to the previous agreement, the Dole

amendment No. 1695 and the Mitchell amendment No. 1696 are now pending to S. 2042.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

Mr. PRESSLER. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL AGREEMENT ON TARIFFS AND TRADE

Mr. PRESSLER. Mr. President, the United States recently agreed to a GATT agreement, a General Agreement on Tariffs and Trade. Generally speaking, I am a freetrader, provided that our products are treated fairly in trade with other countries and provided, if we let their products into our country, ours are treated equally.

GATT sounds like a good deal upon first hearing about it, because it is supposed to be the trade agreement of the 1990's. It has about 120 nations in this trade agreement. I think that Mickey Kantor took some good first steps, but then rushed to an agreement.

The GATT agreement that was agreed to, that will be coming to the Senate not as a treaty, I might say, but for enabling legislation, is not a good agreement, in my opinion. I am struggling with it. I may have to vote against the enabling legislation.

Let me give a little background. The GATT agreement creates a world trade organization of 120-some nations, of which the United States only has one vote. There is no safety valve such as in the United Nations where the five Security Council nations can veto almost anything. That means that the United States will be on the same basis as a lot of little, tiny countries, as Rwanda or Uganda, for example. We will have only one vote of 125, even though we are the world's largest trading partner.

There will also be a so-called environmental council which will have similar powers over the United States. I am very concerned that this world trade organization will outvote the United States and impose tariffs and trading conditions on us that are very unfavorable.

The Third World countries may very well place unfair trading conditions on the United States. The Third World countries may well join with Japan and three or four other countries and gang up on us.

So I am very worried about this. I am also worried that GATT has not come here as a treaty. Many years ago when I finished law school, I went to work in the State Department in the legal adviser's office and worked on GATT matters, both in Washington and in Vienna. It seemed to me that GATT was a fair organization in those days, but I am very concerned that this GATT agreement is not coming here as a treaty. I think the Clinton administration was so eager to show progress that they left intellectual property out, they left several other things out in order to rush to an agreement, and the United States will suffer a great deal.

What does this mean? It means that by the Clinton administration's own admission, there will be about a $15 billion shortfall in our tariffs in the first 5 years; that is, we are going to be giving other countries at least $15 billion in our trade. That means our small businessmen, our farmers and others are going to be taxed to support the continuing subsidization that is occurring in European Airbus construction, for example, and in European agricultural.

Mr. President, we have reduced our agricultural subsidies in the United States in the last two farm bills, and we have a third farm bill coming up. We do our farm bill on a 5-year program. We have reduced in each of those 5 years—now 10 years nearly—our subsidies, and we are prepared to reduce them more, but France and Germany will not go along with it.

Let me say, England has done a good job. Australia and New Zealand have done a good job. But the Europeans not only subsidize their domestic farm production, but they subsidize their exports; that is, they use as much farm products as they need in their country and dump the rest on the world market just below the United States reserve price.

The same thing is done with Airbus. I just read that I believe our friends in Canada bought a whole bunch of Airbus planes instead of Boeing planes built in Washington State. How can Airbus in Europe build it cheaper? Because there is a consortium of four countries that heavily subsidize the exports of Airbus planes, those that are sold outside the Common Market.

So this is not fair trade, this is not fair to the American worker, it is not fair to the American farmer, it is not fair to the American small businessman. But that is what the Clinton administration agreed to in the GATT talks in Morocco recently. That is what Mickey Kantor signed off on and the top members of the administration.

It amazes me that more people are not up in arms about the so-called GATT agreement. It amazes me that this thing is so quiet because all it takes is 51 votes in the Senate in enabling legislation to bring it into play.

Today, the Wall Street Journal ran a wonderful article called "White House Seeks $12 Billion Package to Pay for Tariff Losses Under GATT." It goes on to say the tax increases that might make up this GATT, but again it is just paper figures. Then, finally, it admits that probably they will try to put it off budget and add it to the Federal deficit, which is the latest trick in budgeting in Washington, DC.

Where would the money come from if these are some of the proposals being discussed by the Clinton administration?

First of all, "$4.8 billion of losses through a 4 percent revenue tax on radio and television stations and others for use of the radio spectrum." I serve on the telecommunications committee, and I happen to remember that the Clinton administration has proposed that same $4.8 billion be used to help pay for some of the immigration costs in one plan. In another plan, it is going to be used to help pay the cost of running the Federal Communications Commission. So this is smoke and mirrors. This money has been spent twice already on paper.

Then it goes on to say that "$3.1 billion by cutting agricultural export subsidies by $1.6 billion and farm subsidy payments by the remainder."

We are already doing that in our 5-year farm bill, so that, again, is smoke and mirrors, and if we cut our export subsidies, we are allowing the Europeans to continue their export subsidies.

"$1.5 billion by reauthorizing Superfund hazard waste cleanup tax on chemical companies," and so forth. That already has been allocated elsewhere.

"$1.3 billion for changing inventory accounting," which would largely hit retailers.

These are all substantial tax increases being proposed, incidentally.

"$600 million from a gambling tax that would exempt State lotteries."

They were going to have the gambling tax a while ago, backed off, and now are proposing it again.

"$500 million tax on parking space fringe benefits; $500 million for requiring companies to file taxes quarterly rather than annually under section 936 which governs the tax treatment of companies in Puerto Rico; $200 million from taxing two more chemicals under ozone depletion rules. But it goes on to admit that they probably will not do any of that; that they will just add it on to the deficit.

So what I am saying is not only is GATT a bad deal because we are turning our sovereignty over to a 120-nation group that will out vote the United States in the future—not the first year or two, because we have the first year or two set, but down the road.

In addition to that, it is going to cost this country billions of dollars in losses because we are giving away so many tariff concessions. We are going to add it to our Federal deficit. That is very bad for our country. It will be a harsh tax on our working class people, a harsh tax on small businessmen, and a harsh tax on the American middle class.

This is a trade agreement to which the Senate should not agree. We must wake up in this body as to what is really going on with the GATT agreement, and I hope America wakes up because nobody is paying much attention to it. Today's article is one of the first I have seen in an in-depth analysis of how bad this GATT agreement is.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD this article entitled, "White House Seeks $12 Billion Package To Pay for Tariff Losses Under GATT."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 10, 1994]

WHITE HOUSE SEEKS $12 BILLION PACKAGE TO PAY FOR TARIFF LOSSES UNDER GATT

(By Bob Davis)

WASHINGTON—The Clinton administration is proposing to pay for the world trade pact with more than $12 billion in tax increases and spending cuts that demonstrate how politically difficult it will be to push the agreement through Congress.

The five-year revenue package under discussion with lawmakers crosses so many powerful groups—such as broadcasting, agriculture and retailing—that some trade veterans don't believe the administration intends to go forward with it. Instead, the exercise would pressure Congress to approve a waiver from federal budget laws that require offsetting funds for new programs that increase the deficit.

U.S. Trade Representative Mickey Kantor yesterday said, however, that the administration won't seek a waiver to make up for the $14 billion in estimated lost tariffs over the first five years of the world trade pact. He called the administration's effort "serious" and said that officials are negotiating with lawmakers over the contents of a final revenue package.

Mr. Kantor did say that the administration would seek a waiver for the second half of a 10-year period called for by Senate rules. The tariff loss over 10 years is estimated at $40 billion. Such a waiver would require 60 votes in the Senate.

Treasury Secretary Lloyd Bentsen told a group of reporters that he has been fielding inquiries from finance ministers about whether Congress will approve the pact, which was negotiated under the auspices of the General Agreement on Tariffs and Trade. Passage is "no cinch by any means," he said, because of lawmakers' concerns about funding and whether the pact would diminish U.S. sovereignty.

Among the proposals being discussed by congressional and administration officials are:

$.48 billion through a 4% revenue tax on radio and television stations and other for the use of radio spectrum.

$3.1 billion by cutting agricultural export subsidies by $1.6 billion, and farm subsidy payments by the remainder—much of which is required by the trade pact.

$1.5 billion by reauthorizing a Superfund hazardous-waste cleanup tax on chemical companies, and using part of a surplus that has accumulated.

$1.3 billion from changing inventory accounting, which would largely hit retailers.

$600 million from a gambling tax that would exempt state lotteries.

$500 million tax on parking-space fringe benefits.

$500 million from requiring companies to file taxes quarterly, rather than annually, under Section 936, which governs the tax treatment of companies in Puerto Rico.

And $200 million from taxing two more chemicals, under ozone-depletion rules.

Mr. Kantor cautioned that the list is just "the first part of a whole menu of items" and no final decisions have been made. In the fight over the North American Free Trade Agreement, for instance, a number of controversial funding proposals were ultimately dropped. However, the administration is considering adding a number of proposals to the GATT legislation—including reducing tariffs for Caribbean nations to NAFTA levels—which could require another $1 billion in additional revenue.

Already, word of the proposals has kicked up powerful opposition. Seventeen senators wrote to President Clinton last month expressing "strong concern" over agriculture-related spending cuts. House Energy and Commerce Committee Chairman John Dingell (D., Mich.) protested to White House Budget Director Leon Panetta over the broadcasting and Superfund taxes. "I cannot give you any assurances whatsoever that a majority of members of the committee will be able to support funding mechanisms that have no relationship whatsoever" to the trade pact, Mr. Dingell wrote.

Administration officials said there is some link, however. Pharmaceutical, chemical, retail, and agricultural companies benefit greatly from tariff cuts, they argue, and should help pay for the pact.

The administration's effort to find a way to pay for the revenues that would be lost from the GATT agreement intensified after President Clinton said publicly two weeks ago that he wants to win congressional approval this year. Mr. Panetta has asked his staff to be more "innovative" in the search for spending-cut-proposals and the Treasury has been looking for ways to raise revenues by toughening or altering enforcement of existing taxes.

Mr. PRESSLER. Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

ORDERS FOR WEDNESDAY, MAY 11, 1994

Mr. PELL. On behalf of the majority leader, I ask unanimous consent when the Senate completes its business today, it stand in recess until 9 a.m. Wednesday, May 11; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized in the order listed and for the time limits specified: Senator STEVENS for up to 5 minutes, Senator KERRY of Massachusetts for up to 20 minutes; that at 10 a.m., as provided under a previous unanimous consent agreement, the Senate proceed to the conference report accompanying House Concurent Resolution 218, the concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. PELL. If there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:17 p.m., recessed until Wednesday, May 11, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 10, 1994:

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

COLLEEN JENNINGS-ROGGENSACK, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE JOSEPH EPSTEIN, TERM EXPIRED.

NATIONAL AGRICULTURAL MORTGAGE CORPORATION

CLYDE ARLIE WHEELER, JR., OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE GEORGE JAMES BENSTON.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 164(A)(1) AND SECTION 601(A):

To be general

GEN. J.H. BINFORD PEAY III xxx-xx-xx...

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. HENRY H. MAUZ, JR. xxx-xx-xx...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) JAY L. JOHNSON xxx-xx-xx...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5142:

To be chief of chaplains

To be rear admiral

REAR ADM. (1H) DONALD K. MUCHOW xxx-xx-x...

EXTENSIONS OF REMARKS

MANDELA, MAN OF RARE COURAGE AND VISION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mrs. KENNELLY. Mr. Speaker, only a short time ago, the political situation in South Africa was seen as intractable. The problems had no solutions, the factions were too far apart.

But today, Nelson Mandela is the President of a South Africa which few thought would happen in our lifetimes, after an election where millions went to the polls. They were drawn to vote by the promise of democracy—still one of the most powerful forces in the world.

President Mandela is a man of rare courage and vision. He experienced oppression first-hand in jail for years, but survived to lead his country into a new era of justice.

He will preside over a South Africa that is changing—difficult days may lie ahead. But I have no doubt that President Mandela will carry out the duties of his office with the same dedication and devotion he has shown throughout a lifetime of struggle.

I salute President Mandela and wish him the best as he takes his country on the journey ahead.

EAST MANHATTAN SCHOOL FOR BRIGHT AND GIFTED CHILDREN TURNS 25

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an institution in my district which has been serving the children of my community for 25 years. This spring marks the 25th anniversary of the East Manhattan School for Bright and Gifted Children, a small private educational facility for the teaching of brillant and talented children.

Mr. Speaker, this wonderful school provides creative and educational support to children whose talents should not and cannot be stifled in conventional learning forums. During its 25 year existence, the East Manhattan School has nurtured and supported gifted children who have gone on to positions of prominence in art, music, theater, and academia.

Founded 25 years ago by Irina Pigott, the East Manhattan School began as a unique nursery, kindergarten, and 1st grade facility. In the intervening years, it has expanded 1st to 3d grade and then to 6th. What makes this school so unique is that it is dedicated to not only encouraging giftedness in young children whose talents are already known, but to discovering and creating giftedness in very young children. Under Ms. Pigott's capable direction, the school has realized its full potential.

Today, young brilliant and gifted children are learning chess, conversational French, algebra, and the use of computers in kindergarten. The East Manhattan School believes strongly in the educational philosophy that geniuses are not born, they are developed in the proper learning environment. This philosophy is based on the premise that almost all children, irrespective of their cultural and socio-economic backgrounds, can develop a superior mind without sacrificing the joys of childhood. The goal of the school is not necessarily to produce an "A" student, but to produce gifted, independent, and creative human beings. Early childhood is the critical time to encourage this development. The many children who have grown immeasurably under the tutelage of the East Manhattan School are evidence of the importance of this philosophy.

The East Manhattan School plans to celebrate their anniversary in a number of exciting ways. On May 19, renowned child and family psychiatrist Stanley Turecki will be a guest lecturer at the school. On May 25, the school will open a multimedia learning center on the premises which will have all the latest computer technology. It should be noted that this center was made possible through the generous support of NYNEX. And in the best tradition of community involvement for which the school is justly known, these premises will be open to all community children during after-school hours.

Mr. Speaker, there is no more important work in the world than educating our Nation's children. It is no exaggeration to say that the future of the world is in the hands of the many committed and caring individuals who have given their lives to teaching. The East Manhattan School for Bright and Gifted Children represents a beacon of hope for the next generation of our Nation's leaders. That's why I hope my colleagues will join with me in congratulating the school on their 25th anniversary, and wishing them another 125 years of success and growth.

TRIBUTE TO THOMAS AND SUZANNE BAZELEY

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. MANN. Mr. Speaker, I rise today to pay tribute to Thomas and Suzanne Bazeley in honor of their 25th wedding anniversary. They will celebrate their years of togetherness with their family and friends on July 4, 1994.

Thomas and Suzanne Bazeley have lived in my district, Cincinnati, OH, all of their lives. Mr. Bazeley has worked as a credit coordinator for Proctor & Gamble while Mrs. Bazeley worked hard at raising their four children.

Mr. Speaker it is with great pleasure that I bring to the attention of my colleagues the commitment that Thomas and Suzanne Bazeley have lived by in their 25 years together—commitment to marriage, to family, and to work. Three great values to live by. Their dedication are great examples for all of us to live by. I wish them well in their next 25 years together.

TRIBUTE TO GERALD W. GREGORY

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. YATES. Mr. Speaker, I am proud to bring to the attention of the House today the career and remarkable achievements of Mr. Gerald W. Gregory, the principal of Old Orchard Jr. High School, which is located in my congressional district. Mr. Gregory is retiring this year after 32 years as an educator.

Mr. Gregory has served his entire career with School District No. 68, in Skokie, IL, beginning as a physical education teacher in 1962 and rising to become the principal of Highland Elementary School in 1978. In 1982 he was promoted to principal of Old Orchard Junior High. At each level of education Mr. Gregory's dedication to the best interests of the students has been an inspiration. He is universally respected. Superintendent of the district, Thomas A. Kersten said recently "When I think about Jerry as an administrator, the words that immediately come to mind are dedicated, enthusiastic, hard-working, committed, talented and sincere * * * I think we all hope that when we arrive at that point in our career when it is time to retire, others will be as sad to see us go as we are Jerry. He is truly a professional who will be sorely missed."

Mr. Gregory's accomplishments have been recognized locally, statewide and nationally by a long list of awards and recognitions. I will only recite a couple of them as examples of his tireless work and dedication.

Under his leadership Old Orchard Junior High was among the very first middle schools in the Nation to receive the U.S. Department of Education's prestigious award for excellence in education. Mr. Gregory has received accolades for creating and implementing an innovative drug-free program for Old Orchard and he recently was honored at the Niles Township Leadership Luncheon. This year, he also is being recognized by the Niles Township Principal's Association for his many years of service.

I wish to join my friends and constituents in District No. 68 and in Niles Township in saluting Mr. Gerald Gregory for a wonderful career

in education. He has been a model for educators everywhere and he will be remembered with fondness by his fellow administrators and teachers as well as the legions of parents and students who have benefited from his devotion to quality education.

TOMMY THOMPSON: SERVING THE LAW AND LAW ENFORCEMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. GORDON. Mr. Speaker, in recent weeks, the House has spent a great deal of time and energy crafting a comprehensive crime bill that will give law enforcement officials more of the tools they've told us they need to go after the criminals that are bringing fear to even the quietest of neighborhoods.

But even with those tools in place, it still will be up to the men and women of law enforcement to carry out the daily front-line battle against crime. I rise today to recognize one such person.

For 25 years, dating back to his days as a legal officer at Fort Bragg, NC, Tom P. Thompson Jr.—Tommy to just about everyone who knows him—has dedicated himself to the law and law enforcement.

For the last 17 of those years, Tommy has served middle Tennessee as district attorney for the 15th judicial circuit where he and his staff, working with local and State law enforcement officials, are charged with insuring that justice is carried out swiftly, strictly, and fairly. That's an increasingly difficult task with expanding caseloads burdening not only police and sheriff's departments but also prosecutors, courts, and prisons.

But Tommy's efforts to make a difference in his community haven't been limited to his work as district attorney. For the past 20 years, he's served on the board of Tri-County Electric Membership Corp., acting as president in 1989. His guidance and advice, along with the rest of the board, have helped Tri-County boost economic development throughout some of the more rural areas of middle Tennessee and southern Kentucky.

Likewise, as a member of the board of Citizens Bank in Hartsville, TN, Tommy has helped a smalltown bank grow and expand in today's complicated, highly-competitive financial world while still maintaining its hometown character and service.

This week, Tommy will be honored at the annual law day dinner at Cumberland University in Lebanon, TN. Please join me in saluting Tommy Thompson's work on behalf of the legal profession, law enforcement and the middle Tennessee community.

CAMPHILL ASSOCIATION OF NORTH AMERICA CELEBRATES ITS 10TH ANNIVERSARY

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. WALKER. Mr. Speaker, the Camphill Association of North America celebrates its 10th anniversary in the spring of 1994. The Camphill Association represents seven Camphill communities in North America working with developmentally disabled children and adults.

Camphill communities are places where people work together for the common good, care for and heal the land, and provide a meaningful life for mentally and physically handicapped children and adults. These communities are based on the teachings of Rudolf Steiner, 1861–1925, which were put into practice by Dr. Karl Koenig, 1902–66, together with a small group of like-minded friends. From Camphill's beginning in Scotland in 1939, there are now 80 independent Camphill communities in 16 countries. Of the seven in North America, there are two Camphill communities in upstate New York, one in Minnesota, and one near Toronto. The three Camphill communities I am familiar with are in Chester County, southeastern Pennsylvania.

All persons living in Camphill centers, regardless of handicap, are contributing members of the communities. The economy of the Camphill centers provides no personal remuneration. Individual financial needs are met from the income of each community. In Camphill there are no "clients" being "served by providers." Each has his/her tasks; all have the dignity of self-worth. The spiritual side of life is nurtured through nondenominational services, celebration of festivals, concerts, plays, common and individual study, folk dancing, course work, and many other activities.

In combination, the three Camphill communities in southeastern Pennsylvania comprise nearly 600 acres with roughly 300 people, approximately half of whom are developmentally disabled. Many more individuals are directly involved in Camphill as board members, parents, friends, and supporters. Camphill Special School serving children with special needs started up in 1961; Kimberton Hills, an agricultural community with disabled adults, began its work in 1973; and Camphill Soltane, a college and life skills training center and community house living option for disabled young people aged 18 and up, began its program in 1988.

Camphill Special Schools provides a unique, integrated, residential, therapeutic and academic program for special children ages 5–21. Day students are also served by the school. Camphill Kimberton Hills is a farming and gardening community, with disabled adults, focusing on regenerative agriculture and providing vegetables, dairy, baked goods, fruit and meat products to the community and to many families and organizations in the surrounding area. Camphill Soltane integrates a dynamic "college" and life skills training program with a vocational emphasis for young 18 to 25 adults with disabilities, focusing also on apprenticeships, job placements, and residential options in the extended community.

The Camphill communities have been recognized and acclaimed at national and local levels as an innovative, alternative model for living and working with disabled individuals. In Chester County, the three Camphill centers make a significant contribution to their surrounding communities, providing food, cultural activities, training opportunities, and interactive and volunteer options for many hundreds of people every year.

The Camphill Association and each constituent community celebrate the 10th anniversary of the Association's success in extending Camphill's services and resources to an ever growing number of persons with disabilities and to the citizens of Chester County and beyond.

As living, learning, and working options for people with disabilities evolve in the next years, and as funding methods change to meet human needs, the Camphill communities serve as a highly viable and cost effective model for ensuring and enhancing relationships and a way of life that are essential to the well-being of disabled individuals in the years to come.

I congratulate the Camphill Association for a decade of quality service and commitment to persons with disabilities, and to Pennsylvania, and to the other parts of the country where the Camphill communities contribute so essentially to their surroundings.

WHAT IS RUSSIA UP TO IN LATVIA?

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. HOYER. Mr. Speaker, when analyzing Russian policies these days, one often has to decide whether disarray or conspiracy lies behind particular events. A good illustration is a remarkable decree published in the Russian press on April 6, in which President Yeltsin agreed to a proposal by the Ministry of Defense and the Foreign Ministry to create 30 military bases in other CIS countries and in Latvia, which is not a CIS state. After Latvia protested, Russian officials and President Yeltsin's spokesman claimed the reference to Latvia was a misunderstanding, a "technical mistake," and that Russia had no plans to build bases in Latvia.

What might explain this statement and the subsequent backtracking? Maybe one hand simply doesn't know what the other hand is doing in Moscow. It could be that the Foreign Ministry, the Defense Ministry and the presidential apparatus simply don't coordinate their policies. If so, however, we ought to be concerned about the extent of disarray in the government of a nuclear superpower with which we are negotiating about many issues and to which we are offering financial and technical assistance.

But there are more ominous hypotheses, which raise concerns about Moscow's attitude towards its neighbors. The statement could have reflected the actual intentions of the Russian Government to maintain bases in Latvia; or, it might have been an attempt to intimidate

Latvia during the negotiations about Russian troop withdrawals and the status of retired Russian military officers in Latvia; or, it may have been a rogue operation by someone outside the chain of civilian and military command to exacerbate already tense Russo-Latvian relations; or, it might have been a trial balloon, to test Western readiness to protest Moscow's designs on Latvia's sovereignty.

Disarray or conspiracy? It's hard to say, Mr. Speaker. But neither scenario is particularly reassuring for us, not to speak of concerns evoked in Latvia.

As it happened, on April 20, President Yeltsin issued a statement which pledged that Russia had no plans to create any military bases on Latvian territory. And I am pleased to report that on April 30, President Yeltsin and Latvia's President Ulmanis did indeed sign the agreement requiring withdrawal of Russian forces from Latvia by August 31 of this year, though Russia will lease the radar station at Skrunda for 4 years, as previously agreed.

There is opposition to this agreement in Latvia, and parliamentary ratification could be a problem. But at least we will know if there is discord over this issue between the executive and legislative branches in Riga, and ultimately, we will know what Latvia's position is on the troop withdrawals. Unfortunately, that's more than we often can say about Moscow's position. I hope that the President Yeltsin's April 20 statement puts this particular matter to rest, that Russian troops will depart by August 31, and that official Russian agencies will no longer issue statements about Latvia that have to be hastily retracted.

THE SOCIAL SECURITY SOLVENCY ACT OF 1994

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. PENNY. Mr. Speaker, once again, bankruptcy of the Social Security trust fund looms before us. The question is, are we going to act now, while there's still time to pursue a reasonable plan of action, or will we wait, and be forced to resort to draconian measures sometime in the next century to bring the system back into balance? I notice that we're bringing up a bill today to balance the disability trust fund, expected to be exhausted next year. If we follow the same course and wait until the year before the Social Security trust fund is depleted to solve the problem, FICA taxes will have to be raised to nearly 20 percent of income to make up for the shortfall.

People from all generations in my district, from college students to retirees, have indicated their willingness to sacrifice a little to ensure the system is there to provide a secure retirement for everyone. I have a fair and equitable plan that would ask every generation to contribute to the solvency of the Social Security trust fund.

My first bill accelerates the increase in the retirement age. Today Americans live at least 10 years longer than we did in 1935, when the Social Security Act was passed. It only makes sense that we ask recipients to work a little longer before drawing from the system. The retirement age will reach 67 in the year 2027 under current law. This bill raises the retirement age to 67 by the year 2004, and would reach age 70 by the year 2013. This provision alone would go two-thirds of the way toward balancing the trust fund.

One of the fairest ways to limit Social Security expenditures, while at the same time protecting retirees most in need, is to provide a flat-dollar cost-of-living adjustment [COLA]. Because COLA's are based on current benefit level, those receiving larger Social Security checks also receive a higher dollar annual increase when cost-of-living adjustments are made. A flat-rate COLA is a relatively painless way to progressively shave just a few dollars off everyone's benefits, while protecting those at the lowest benefit level.

One of the keys to reforming the system is to inform beneficiaries how much they've actually received in Social Security benefits relative to their contributions. A person who retired 10 years ago recovered everything he or she paid into the system, plus interest, in less than 4 years. It will take a person retiring today, on the other hand, approximately 16 years to collect his or her due, meaning most folks will just about break even. Many workers believe they will never live long enough to recover the money they paid in. For current workers, the facts bear this out.

My third bill would send annual statements to all Americans when they start to collect Social Security benefits, comparing lifetime contributions to actual benefits received thus far. When people realize their grandchildren will pay the price for the extra benefits they're receiving today, I believe they will be much more inclined to accept necessary reforms to balance the program.

Today I am introducing the Social Security Solvency Act of 1994. These reforms would solve the shortfall problem honestly and equitably, without requiring higher payroll taxes on the next generation. We can't afford to ignore the early warning signs that Social Security is in trouble. We can act now—or pay later.

CONGRATULATIONS TO EAGLE SCOUT JASON M. BOERGER

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. MANN. Mr. Speaker, I want to take this opportunity to recognize Jason H. Boerger on his accomplishment of earning the rank of Eagle Scout. This is a substantial achievement as only 2 percent of all Scouts attain the Eagle rank.

Jason Boerger began his Scouting odyssey in 1986 as a Cub Scout. Jason earned the Arrow of Light and rank of Tiger in 1989.

In 1989, Jason joined Boy Scout Troop 644, sponsored by Friendship Baptist Church. He has earned 21 merit badges and has performed the requisite Eagle Scout community service project. The project involved a substantial landscaping project around the New Friendship Church.

While blazing the trail to Eagle Scout, Jason held several leadership positions including senior assistant patrol leader and troops junior leader. He has also received recognition as Scout of the Month each of the past 5 years.

Jason has also been quite active outside of Scouting. He is a freshman at Northwest High School where he has been recognized as student of the month and has received the Tribe Award. He is an active member of Friendship Baptist Church where he has been involved in the youth camp, church choir, vacation bible school, and the God & Country program.

I extend my heartiest congratulations to Jason who should be justifiably proud of his accomplishments. I also extend my congratulations to his parents, Stephen and Donna Boerger, and his Scout leaders whose support and encouragement helped make his goal a reality.

RABBI IRVING J. BLOCK HONORED FOR 40 YEARS OF COMMUNITY SERVICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the efforts of a special New Yorker who has meant so much to my community. Over the past 40 years, Rabbi Irving J. Block has led the Brotherhood Synagogue with dignity, compassion, and integrity. I would like to take this opportunity to celebrate his achievements.

It was, in fact, 40 years ago the day after tomorrow that Rabbi Block convened the first meeting to form the Brotherhood Synagogue [Congregation Beth Achim]. And from that first formal meeting, the original group of 23 men and women has blossomed into an integral part of the Lower East Side community, Its doors are always open, welcoming all those who wish to worship.

This open door policy is fitting considering the cardinal principle upon which the Brotherhood Synagogue was founded—v'ahavta—love thy neighbor. Indeed the Hebrew name itself means house of brothers. Under Rabbi Block's inspiring leadership, the Brotherhood Synagogue has truly translated this dictum into reality.

Rabbi Block has always been a leader who confronts the issues of our times with courage, speaking out against injustice with a steady voice, standing up against repression with conviction. It is therefore no surprise that the Brotherhood Synagogue has always been heavily involved both in the local community and the world at large.

The Brotherhood Synagogue was the first Jewish congregation in Manhattan to open a shelter for the homeless in New York City over a decade ago; these successful efforts continue to this day. Not quite so close to home but just as close to our hearts, the congregation has also directed many efforts on behalf of the State of Israel and Jews in the former Soviet Union.

In fact, Rabbi Block has always been a spiritual leader who seeks to unite those of dif-

ferent faiths and ethnicities. He has worked tirelessly on behalf of the Black Jewish community in the United States, taking an important lead in calling their plight and problems to the attention of the larger Jewish community. In particular he has arranged for funds and opportunities for scholarships, religious programs, and study for Black Jews. He is also a member of the board of directors of the American Association for Ethiopian Jews and a committed life member of the NAACP.

Rabbi Block's many awards include a degree of Doctor of Divinity, honoris causa, by the Hebrew Union College—Jewish Institute of Religion; the Bucknell University Award of Merit; the Salvation Army's coveted Golden Donut Award; and an honorary degree from the General Theological Seminary for his work in Christian-Jewish relations. He has served in many civic and religious groups, including the Masons, the Jewish War Veterans, Religion in American Life, the State human rights commission, the New York Association for New Americans, and the Joint Passover Association.

But Rabbi Block will be remembered most for his work as the spiritual leader of the Brotherhood Synagogue. His moral guidance has brought this thriving congregation through 40 years of good times and bad, but mostly good. As the time approaches when Rabbi Block will have conferred upon him the honored title of Rabbi Emeritus, it is entirely appropriate that we take this moment to reflect upon his 40 years of service to congregation and community. His lifetime of dedication to the uplifting of the human spirit will always be remembered by those whose lives he has touched forever. He will always remain a source of inspiration to all who knew him.

RANGER IN TUSKEGEE NATIONAL FOREST LOVED GIVING NATURE A HELPING HAND

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. BROWDER. Mr. Speaker, I rise today to pay tribute to the memory of Bedford Cash, the district ranger in the Tuskegee National Forest, who collapsed and died recently while working in the forest he loved so well.

Mr. Cash was 42 when he died February 26 and had worked half of his life for the Forest Service—21 years. He started his career in 1971 while attending school at Southern University in Baton Rouge, LA. Upon graduating in 1974 with a degree in agronomy, he began working in Kisatchie National Forest.

In 1976, he transferred to Ozark St. Francis National Forest in Arkansas. While in Arkansas, he met and married his wife, Jocelyn.

During the 1980's, Mr. Cash worked in the Targhee National Forest in Idaho and in the Cleveland National Forest in Ohio.

In 1989, Mr. Cash began working in the Tuskegee National Forest, where he was the district ranger. He was supervising a controlled burn in the forest at the time of his untimely death.

John Yancy, supervisor of the National Forests in Alabama, described Mr. Cash as an "energetic employee who epitomized the mission of the Forest Service to provide excellence in public service."

My deepest sympathy goes to Mr. Cash's wife and his three sons, Bill, Chad, and Bedford. They live in Montgomery.

I would like to share with my colleagues an article by Jason Sanford, assistant editor of The Tuskegee News, that describes the work Mr. Cash was doing at the time of his death.

[From the Tuskegee News, Mar. 3, 1994]

FOREST RANGER LOVES HELPING NATURE WITH FIRE

(By Jason Sanford)

(This article is dedicated to the memory of Bedford Cash.)

The fire has already passed on through the forest but the smoke still hangs near the tree tops, giving the sunlight a weak orange tint. Walking through this desolate scene, Bedford Cash suddenly stops, and kicks at the ash on the ground.

"This was a good burn," he says, pointing to the exposed dirt.

"See how the fire went through quickly. It burned off the undergrowth and the litter, but didn't hurt the soil."

As district ranger at Tuskegee National Forest, Cash oversees the controlled burning that the U.S. Forest Service does every winter in his forest.

On this Saturday, the forest rangers have been doing burns since early morning. Still wearing their protective clothing, Cash and his crew are now preparing for the next fire.

"There are two main reasons why we do controlled burns," Cash says.

"One is for rough reduction, which is to eliminate the undergrowth in case of wildfire.

"The other is to replace the natural cycle that used to exist in this region."

As Cash explains, fires used to occur with regularity in Alabama pine forests. This was the mechanism for keeping the forest fertile, enabling more succulent growth to come up for the wildlife to feed on.

However, because of human intervention, the fires are now rare. This hurts trees like the long leaf pine.

"The long leaf pines need for the litter of pine straw on the ground to be burned off before their seeds will start growing," Cash says.

It is around a recently planted long leaf pine plot that the rangers are preparing to do their next burn.

By prescription, Cash means the wind speed, humidity, temperature, and various other weather conditions. At the moment, the conditions are ideal. However, everyone is keeping an eye on the weather, in case it changes.

There are four other people out today with Cash. Both Jeff Seefeldt, the assistant district ranger, and Charles Reese, the fire management officer, have done plenty of burns before.

However, for Chris Oberholster, these are among his first fires. He is learning how to do controlled burns for the Alabama Natural Heritage Program, and has been assisting the rangers all day.

The Forest service has also contracted to have a bulldozer on hand, with its operator creating fire breaks to box in the flames.

As time for the burn approaches, everyone checks their fire retardant clothing. They also put on their fire proof gloves.

Then the drip-torches are inspected. The torches contain a mixture of diesel and gasoline, which when lit allows a steady stream of fire to be placed on the ground.

Everything is ready, and the group sets out into the forest.

For this burn, Cash splits his people into two groups. He and Oberholster take one side of the pine plot, while everybody else goes to the other side.

Placing Oberholster near the first fire break around the plot, Cash moves himself to a parallel point one hundred feet away. By doing this, the men hope to create two lines of fire.

"Fire feeds on fire," Cash says as he readies his drip-torch.

"By creating two or three fire lines, we reduce the ability of the fire to grow too large."

Walking in parallel lines, the men begin dropping fire from their torches. In the dry pine straw, the flames quickly build.

For the men, the smoke is the biggest hazard. However, they also keep a close watch on the progress of the fire, to make sure the situation doesn't turn dangerous.

"We have to be real careful not to box in each other with the flames," Oberholster says.

In thirty minutes it is over. The flames quickly burn themselves out, consuming all of the undergrowth and litter in the designated area. Because this happens so fast, the trees are not harmed.

Satisfied with the progress they have made, Cash and his crew group up again. There are more areas to go burn.

When asked if he enjoys doing the burns, Cash smiles, and nods his head.

"I enjoy being out in nature and helping the forest, which is what this does," he says as the smoke climbs above him.

CAPE COD MARITIME WEEK

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. STUDDS. Mr. Speaker, I rise today to announce that this week is Cape Cod Maritime Week, designed to honor the Cape's unique maritime heritage and boost the region's economy by stretching the tourism season year-round.

The 9-day celebration, from May 7 to 15, is focusing on the historic lighthouses on Cape Cod and the islands. There will be open houses at five lighthouses, as well as walking tours of several historic ports and numerous other events to celebrate the Cape's maritime heritage.

Cape Cod's maritime and coastal heritage continues to play an integral role in the region's quality of life. Back in the 17th century, for instance, the first tax on whale oil funded the colony's schools. Today, whale watching attracts hundreds of thousands of people each year to our region.

Cape Cod is also home to many of the oldest lighthouses in the country, such as Highland Light in North Truro. The region's history and ties with the U.S. Coast Guard are deep, with many heroic lifesaving rescues performed off the shores of Cape Cod.

During this week of celebration, the U.S. Coast Guard will host tours of Highland Light and four other lighthouses—Nobska, Chatham, Three Sisters, Nauset—as well as host open houses at four historic Coast Guard stations.

Other highlights during the week include a 50th anniversary celebration for the Coast Guard cutter, *Bittersweet,* on May 11, and a boat show in Falmouth Harbor the weekend of May 13–15.

I especially want to acknowledge the tremendous work and cooperation of a number of Federal and local agencies, including the U.S. Coast Guard, the Cape Cod National Seashore, the U.S. Army Corps of Engineers, the Cape Cod Commission and the Cape and Islands Historical Association. They have all come together to work with local businesses to draw attention to that which makes the Cape a truly special place, while also enhancing tourism during the off-season.

"I LOVE LIFE AND I WANT TO LIVE" IS THEME FOR THE UNITED BLACK FUND 22D ANNUAL VICTORY LUNCHEON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. DELLUMS. Mr. Speaker, I rise today to once again enthusiastically extend my heartfelt congratulations to you and the staff of the United Black Fund [UBF] in celebration of your 22nd Annual Victory Luncheon.

This year I would like to commend the many member agencies and the staff of the UBF for their continuous work in serving the needs of our community. It is my understanding that the UBF funds over 70 community agencies in the Washington metropolitan area. These programs range from caring for senior citizens, treating substance abusers, and sheltering the young. As a former community worker myself, I have deep appreciation and admiration for the commitment it takes to serve the people.

I believe it is important to recognize the contribution of the "unsung heroes" in the community. As you may recall, there was a time when the family attended to the needs of the less fortunate in the community. Times have changed. Today community organizations are a necessity in providing services of all types to those in need. Community workers answer the calls of those in distress and unselfishly put the concerns of others above their own. This is an attribute of the community worker that deserves praise and respect.

As a Member of Congress, I know that community based organizations are doing more with less. As the problems in our community increase, the dollars appropriated to address them decrease. On many occasions, I have taken to the floor of the House of Representatives, to inform my colleagues of the pain and agony suffered by people in our community because of lack of funds. Nevertheless, each year the UBF gives me reason to be optimistic, because you remind me that the human spirit can persevere and overcome obstacles placed in our path. Indeed, we are our brothers' and sisters' keeper.

This year's theme "I Love Life and I Want to Live" is of vital significance. We must implore our youth to fall in love with life and to become productive members of society respecting each other daily.

Again, I congratulate the UBF in its success in bringing those who are in need of help together with those who are willing to offer support.

TRIBUTE TO IAPCRO

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. VISCLOSKY. Mr. Speaker, it is with special honor that I rise today to recognize the latest crime prevention efforts within the city of Gary.

May 10–14, the International Association of Police Community Relations Officers [IAPCRO] Region VI, will hold its 23d annual training conference at the Genesis Convention Center in Gary, IN. Gary Police Community Relations Director, Ms. Louise Ivey, will serve as conference chair, with the theme of the conference being "The Widening Dimensions of Juvenile Delinquency and Violence: How Do We Respond?"

Chartered in 1969, IAPCRO is a voluntary organization comprised of police officers and citizens involved in community relations programs. IAPCRO aims to unite police officers and professional community relations experts to relate their experiences in an effort to foster successful community improvement programs. The mission of the organization is to bring together those individuals who share the common goal of promoting professionalism in law enforcement. This fusion of law enforcement advocates is responsible for the formulation of policy guidelines reflecting professional standards and goals in police community relations and crime prevention.

It is my privilege to recognize the distinguished efforts of the Honorable Thomas V. Barnes, mayor of the city of Gary; James Hawkins, school superintendent for the city of Gary; Marvin Exum, director of public safety; Retired Gary Police Chief David Wade; and Louise Ivey, director of Gary Police Community Relations. I commend the determination and genuine concern displayed by city of Gary officials, as well as the residents of Gary for their fine display of citizenship.

As the city of Gary is the only city in the State of Indiana to receive a national award for crime prevention participation, it is my hope that communities nationwide will look to Gary for leadership. As the U.S. Representative of Indiana's First Congressional District, I am pleased to commend Gary's efforts to create a safer environment for its citizens and strengthen the alliance between our law enforcement professionals and our citizenry. I am confident that IAPCRO's 23d annual conference will be as successful this year as it has proven to be in the past.

CLAIRE AND RICHARD KAUTZ, GUAM SMALL BUSINESS AWARDEES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 10, 1994

Mr. UNDERWOOD. Mr. Speaker, I rise today to honor two very important persons, individuals who are an example of what is necessary to be a success in a career, a success in the community, and a success in life. Those persons, Mr. Speaker, are Richard P. Kautz, president, and Claire A. Kautz, vice president, of Kautz and Sons Glass Company, Inc. The Kautzes represent the kind of entrepreneurship which builds and enhances economies at the community level. They also represent the kind of community spirit through their participation in island life which brings dividends to all the people of Guam.

Their perseverance, determination, and hard work is exemplary of the tools necessary to make it in a society where violence and corruption seem to dominate our children's activities.

Richard and Claire came from Michigan. Richard has worked in the glass business since 1955, and Claire's family has owned a glass company since 1949. Richard worked in the glass business for 4 years in Hawaii. In 1971, they moved to Guam and 2 years later, Kautz and Sons started. They began making storefront plate glass windows, entry doors, and aluminum flush-skin doors. In 1976, Typhoon Pamela hit and destroyed Guam. The Kautzes introduced typhoon shutters to the island. In 1982, a fire destroyed their office and inventory room; an SBA loan allowed them to be back in business and by the 1980's and early 1990's their sales reached nearly 2.5 million in 1991. They now export to the Northern Marianas and to Micronesia, and they have 27 employees along with a line of many products such as window screens and sliding and swinging glass doors.

Richard P. Kautz and Claire Kautz, I personally congratulate you on being the Small Business Persons of the Year awardees from Guam. I wish you much continued success in the future and may you maintain the excellent example you have been for the people of Guam.

Si yu'os ma'ase.